


THIS IS A TWO-SIDED DOCUMENT

 <p><b>Adirondack Park Agency</b></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 <b>2024-0157</b></p>
<p>In the Matter of the Application of</p> <p><b>KRISTIN WILKINS and WILKINS FAMILY REVOCABLE TRUST</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued: August 22, 2024</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <p><b>1. Wilkins Family Revocable Trust</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes the construction of a single family dwelling in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Westport, 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 foundation of the authorized single-family dwelling 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 the Rural Use portion of a 20.5-acre parcel of land located on Merriam Forge Road in the Town of Westport, Essex County. The site is identified as Tax Map Section 57.2, Block 2, Parcel 3, and is described in a deed from Kristin E. Wilkins and Anthony Wilkins to Wilkins Family Revocable Trust, dated June 1, 2018, and recorded June 25, 2018 in the Essex County Clerk's Office under Instrument Number 2018-2460. Parcel 3 contains lands classified as Rural Use and Resource Management on the Adirondack Park Land Use and Development Plan Map.

The project site is improved by a pre-existing single family dwelling and accessory structures.

The project site is located within the designated Boquet River Recreational river area. The project site also contains wetlands.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of a single-family dwelling within the Boquet River Recreational river area.

The project is shown on the following map and plans:

- A 17-page set of plans and reports entitled, "Wilkins Family Trust, 188 Merriam Forge Road, Westport, NY 12993, prepared by Engineering Ventures, Inc., dated April 2024, and received by the Agency June 3, 2024 (Septic Plans).
- A one page site plan map entitled, "Site Plan Prepared For The Wilkins Family Trust", prepared by Kevin A. Hall and dated July 24, 2024 (Site 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 Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any new land use and development on 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 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, Septic Plans 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 2024-0157, issued August 22, 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 the construction of one single family dwelling on the project site in the location and footprint shown on the Site Plan. The single family dwelling shall be no more than 35 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. Any change to the location of the dwelling or expansion beyond these dimensions shall require prior written Agency authorization.
6. The undertaking of any new land use or development not authorized herein on the project site within one-quarter mile of the Boquet River shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
7. Construction of any guest cottage on the project site shall require prior written Agency approval.
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 Boquet River.

Docks and boathouses as defined under the Town of Westport 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 100 feet of the mean high water mark.

9. 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 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.

10. 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.
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 Merriam Forge Road or adjoining property.
12. Within 50 feet of the edge of Merriam Forge Road or within 50 feet of the wetland boundary depicted 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 1) an area up to 25 feet in width for driveway construction and utility installations, and 2) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
13. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.

### **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 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 Westport;
- 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 22<sup>nd</sup> day of August, 2024.

ADIRONDACK PARK AGENCY

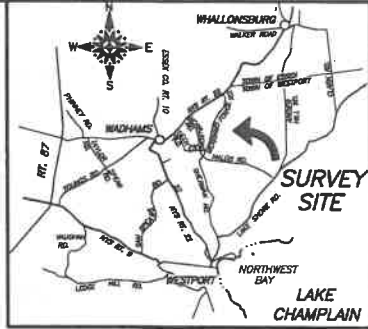
BY:   
David J. Plante, AICP CEP  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 22<sup>nd</sup> 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



~ WESTPORT ZONING ~  
RURAL RESIDENTIAL-8.5 N  
MINIMUM LOT SIZE: 1 ACRE  
MINIMUM SETBACK FROM CENTER OF RIGHT OF WAY: 100 FEET OR PREWILKING  
MINIMUM SIDE AND REAR SETBACKS: 30 FEET  
MINIMUM ROAD FRONTAGE: 200 FEET  
MINIMUM SHORELINE FRONTAGE: 150 FEET  
MINIMUM SETBACK FROM SHORELINE: 75 FEET

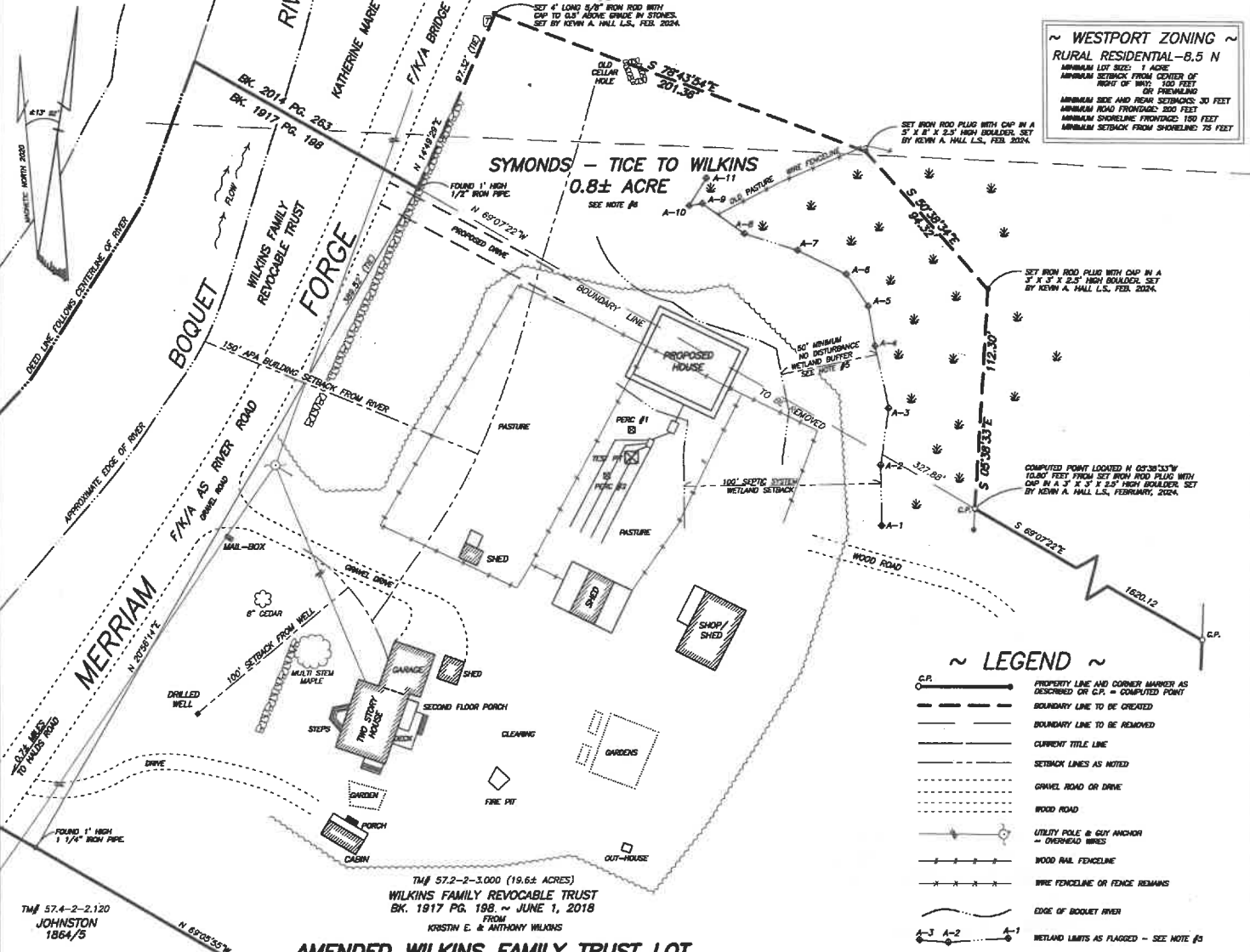
~ MAP REFERENCES ~

- #1. MAP OF A TRACT OF UNAPPROPRIATED LAND IN THE COUNTY OF ESSEX CALLED THE SPLIT ROCK TRACT BY SIMON DUMMIT ESQ. SURVEYOR GENERAL DATED 1811.T
- #2. MAP OF SURVEY SHOWING TWO PARCELS OF LAND CONVEYED BY GAYLORD M. AND MARY VAN ALLEN DURDIS TO WESLEY HAYES BY SPENCER J. JOHNSTON, L.S. & FRED R. KOLMAN, L.S. DATED AUG. 14, 1965 AND FILED IN THE ESSEX CO. CLERK'S OFFICE AS MAP NO. 1967.
- #3. MAP OF SURVEY PREPARED FOR KENNETH & MARIELE BOYLE BY KENNETH E. KRATZ, L.S. DATED APRIL 23, 1982, NOT FILED.
- #4. MAP OF LIMITED SURVEY PREPARED FOR MICHAEL E. PRATT & THE ADIRONDACK LAND TRUST BY KEVIN A. HALL, L.S., DATED SEPT. 11, 1991 AND FILED IN THE ESSEX CO. CLERK'S OFFICE AS MAP NO. 4296.
- #5. MAP OF SURVEY PREPARED FOR ADIRONDACK LAND TRUST, INC. OF THE CRESKEY LOT BY KEVIN A. HALL, L.S., DATED JULY 25, 2012 AND FILED IN THE ESSEX CO. CLERK'S OFFICE AS MAP NO. 6768.

AMENDED SYMONDS - TICE LOT  
17.3± ACRES

TM# 57.2-2-4.000 (18.1± ACRES)  
KATHERINE MARIE SYMONDS  
BK. 2014 PG. 263 ~ DECEMBER 4, 2020  
FROM STEVEN J. TICE  
FORMERLY WESLEY HAYES  
BK. 438 PG. 217 ~ NOVEMBER 19, 1965  
FROM GAYLORD M. & MARY VAN ALLEN DURDIS

NOTE: NORTH ORIENTED TO N.Y.S. GRID NORTH ~ 1983 DATUM BY GPS OBSERVATIONS



~ LEGEND ~

- C.P. PROPERTY LINE AND CORNER MARKER AS DESCRIBED OR C.P. = COMPUTED POINT
- BOUNDARY LINE TO BE CREATED
- - - BOUNDARY LINE TO BE REMOVED
- CURRENT TITLE LINE
- - - SETBACK LINES AS NOTED
- GRAVEL ROAD OR DRIVE
- ROAD ROAD
- UTILITY POLE & GUY ANCHOR - OVERHEAD WIRES
- WOOD RAIL FENCELINE
- WIRE FENCELINE OR FENCE REMAINS
- EDGE OF BOQUET RIVER
- WETLAND LIMITS AS FLAGGED - SEE NOTE #5
- APPROXIMATE EDGE OF WOODED AREAS
- STONEWALL
- TM# 57.4-2-3.000 TAX MAP NUMBER AS OF 2024
- ☐ TELEPHONE BOX

AMENDED WILKINS FAMILY TRUST LOT  
20.5± ACRES

TM# 57.2-2-3.000 (19.6± ACRES)  
WILKINS FAMILY REVOCABLE TRUST  
BK. 1917 PG. 198 ~ JUNE 1, 2018  
FROM KRISTIN E. & ANTHONY WILKINS

TM# 57.4-2-2.120  
JOHNSTON  
1864/5

~ NOTES ~

- #1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBSECTION 2, OF THE NEW YORK STATE EDUCATION LAW.
- #2. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, SIGNED AND DATED IN RED INK AND MARKED WITH THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
- #3. "ASSUMED ROAD BOUNDS" INDICATES THAT LIMITED WORK HAS BEEN DONE TO ATTEMPT TO DETERMINE THE TRUE LEGAL BOUNDS OF THE ROAD SHOWN HEREON.
- #4. ROAD BOUNDS FOR MERRIAM FORGE ROAD ARE LOCATED 33' FROM THE CENTERLINE OF THE EXISTING TRAVELLED WAY.
- #5. WETLANDS SHOWN WERE FLAGGED BY KELLY E. MCKEAN OF THE APA STAFF OF JULY 18, 2024 AND LOCATED IN THE FIELD BY KEVIN A. HALL, L.S. ON JULY 22, 2024.
- #6. THE 0.8± ACRE BOUNDARY ADJUSTMENT WAS DETERMINED BY THE APA TO BE NON-JURISDICTIONAL. SEE J02024-05003.
- #7. THIS MAP PREPARED AS PART OF THE APA PERMIT PROCESS FOR APA PROJECT P2024-0157.
- #8. PRIOR TO THE ISSUE OF A BUILDING PERMIT, A SITE PLAN REVIEW AND APPROVAL BY THE TOWN OF WESTPORT IS REQUIRED.
- #9. TEST PIT FINDINGS FOR THE PROPOSED SEPTIC SYSTEM WERE OBSERVED AND RECORDED BY PETER GIBBS, P.E. ON APRIL 23, 2024.

SITE PLAN  
PREPARED FOR  
THE WILKINS FAMILY TRUST

SHOWING A BOUNDARY LINE ADJUSTMENT BETWEEN THE WILKINS FAMILY REVOCABLE TRUST AND KATHERINE MARIE SYMONDS & STEVEN J. TICE. ALSO SHOWING PROPOSED CHANGES TO THE WILKINS TRUST LOT FOR PART OF APA PERMIT P2024-0157 APPROVAL PROCESS.

LOCATED IN LOT 7 OF THE SPLIT ROCK TRACT  
TOWN OF WESTPORT ~ COUNTY OF ESSEX ~ STATE OF NEW YORK  
SCALE 1" = 40'

PRELIMINARY

JULY 24, 2024  
KEVIN A. HALL  
LAND SURVEYOR  
ELIZABETHTOWN, N.Y.  
LS #46787

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, SIGNED AND DATED IN RED INK AND MARKED WITH THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

