


**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>2024-0227</b></p>
<p>In the Matter of the Application of</p> <p><b>JOSEPH L. VAN VALKENBURG</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: September 12, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Joseph L. Van Valkenburg</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision and construction of a single family dwelling in an area classified Hamlet and Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Forestport, Oneida County.

This authorization shall expire unless recorded in the Oneida 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 Oneida 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 31.56-acre parcel of land located on NYS Route 28 in the Town of Forestport, Oneida County, in an area classified Hamlet and Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 2.003, Block 1, Parcel 2.7, and is described in a deed from Wilbur L. Van Valkenburg and Jean M. Van Valkenburg to Joseph L. Van Valkenburg, dated May 1, 2009, and recorded May 8, 2009 in the Oneida County Clerk's Office under Instrument Number 2009-006645.

The project site is vacant and contains wetlands. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site was created as "Lot 1-21" in a two-lot subdivision as authorized by Agency Permit 2021-0221.

### **PROJECT DESCRIPTION**

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

- A 24.71- acre vacant parcel (lot 1); and
- A 6.85-acre parcel to be improved by a single family dwelling with related development (Lot 2).

The project is shown on the following maps and plans:

- A four-sheet plan set titled, "Otter Heights Subdivision, prepared by Boulder Cosultants and dated August 14, 2024 (Project Plans); and
- A one-page map titled, "Survey Map Otter Heights Subdivision Lands of Joseph L. Van Valkenburg," prepared by Duane C. Frymire, LS and last revised August 12, 2024.

A reduced-scale copy of Sheet 1 of the Project Plans (Site Plan) 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.

### **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 Oneida 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, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Permit 2021-0221 in relation to the project site. The terms and conditions of Permit 2021-0221 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 2024-0227, issued September 12, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. 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.
7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on Lot 2 in the location, footprint, and height shown and as described on the Site Plan. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
8. The construction of any additional dwelling or other principal building on the project site shall require prior written Agency authorization. The construction of any accessory structure on Lot 1 or Lot 2 outside the Clearing Limits depicted on the Site Plan shall require prior written Agency authorization. The undertaking of any activity involving wetlands shall require a new or amended permit.
9. Construction of any guest cottage on Lot 2 shall require prior written Agency approval.
10. 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 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.

11. Prior to construction of any on-site wastewater treatment system on Lot 1, written authorization shall be obtained from the Agency for plans prepared by a New York State design professional (licensed engineer or registered architect) that comply with New York State Department of Health's "Wastewater Treatment Standards for Individual Household Systems" (10 NYCRR Appendix 75 A), the Agency's Project Guidelines for Residential On-Site Wastewater Treatment, and with Agency standards in 9 NYCRR Appendix Q4.

Installation of the approved plans shall be under the supervision of a licensed design professional. Within 30 days of complete system installation and prior to utilization, the design professional shall provide the Agency with written certification that the system was installed in compliance with the Agency authorized plan set.

12. The project shall be undertaken in compliance with the erosion and sediment control measures depicted on the Project Plans.
13. 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.
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 NYS Route 28, Lake View Road or adjoining property.
15. Within 100 feet of the centerline of NYS Route 28 on Lot 2 or within 100 feet of wetlands on the project site, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed without prior written Agency authorization, except for the removal of an area up to 20 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.
16. There shall be no more than five principal buildings located on the approximately 6.6-acre Moderate Intensity Use portion of Lot 1. 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 574. The Agency hereby finds that the subdivision and single family dwelling 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 Hamlet and Moderate Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Hamlet and Moderate Intensity Use 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.

PERMIT issued this 12<sup>th</sup> day of September, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 12<sup>th</sup> 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

  
Notary Public

WARNING: It is a violation of the Environmental Conservation Law to place any structure, utility or other facility on the site of a wetland or water body without first obtaining a permit from the State Department of Environmental Conservation. The permit application must be filed with the State Department of Environmental Conservation, 625 Albany Avenue, Albany, New York 12242. The permit application must include a description of the proposed work and a site plan showing the location of the proposed work.

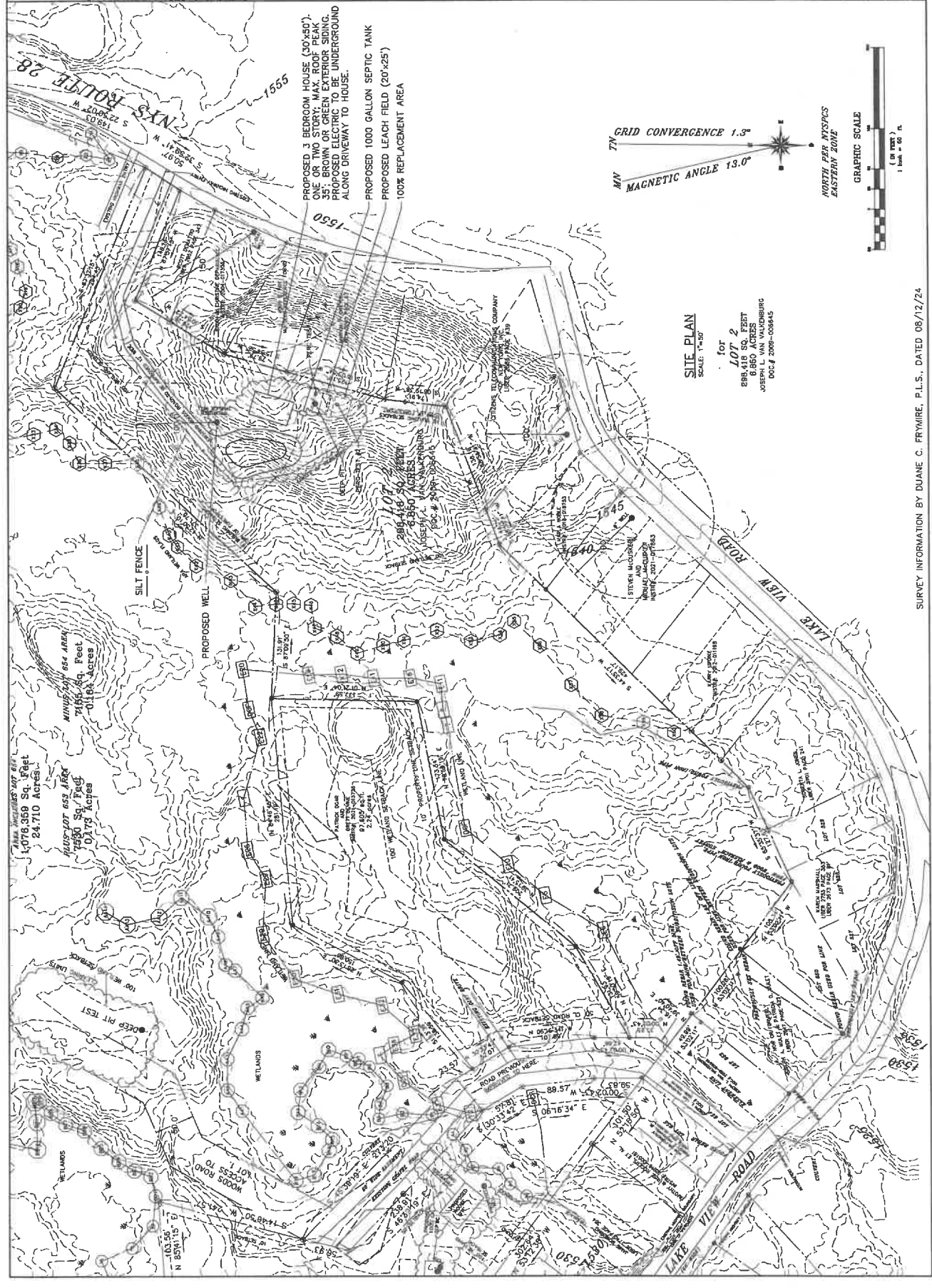
DATE BY	REVISION

DATE: 08/12/24  
 SCALE: 1"=50'  
 DWG. BY: E.L.  
 FILE: DOE  
 JOB NO.: 1018  
 DRAWING NO.: 1018-01  
 SHEET NO.: 1 OF 4

RECEIVED  
 DATE: August 16, 2024  
 PROJECT: 1018-01  
 DRAWING: 1018-01-01

SITE PLAN  
 DONALD D. EHRE, P.E., P.L.L.C.  
 4 ORFORD CROSSING, SUITE 102, NEW HARTFORD, NY 13413 (315) 797-0088

OTTER HEIGHTS SUBDIVISION  
 COUNTY OF ONEIDA  
 STATE OF NEW YORK

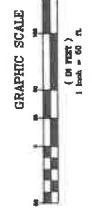


SITE PLAN  
 SCALE: 1"=50'

for  
 LOT 2  
 288,416 SQ. FEET  
 6,580 ACRES  
 1018-01  
 002-2 2005-008645

GRID CONVERGENCE 1.3"  
 MAGNETIC ANGLE 13.0"

NORTH PER NTPSPCS  
 EASTERN ZONE



SURVEY INFORMATION BY DUANE C. FRYMIRE, P.L.S., DATED 06/12/24