

THIS IS A TWO-SIDED DOCUMENT

 P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	APA Permit 2025-0033
	Date Issued: August 14, 2025
In the Matter of the Application of DANIEL CHRISTMAS and MARC CHRISTMAS Permittees for a permit pursuant to § 809 of the Adirondack Park Agency Act, 9 NYCRR Part 577, and 9 NYCRR Part 578	To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. Daniel Christmas 2. Marc Christmas

SUMMARY AND AUTHORIZATION

This permit authorizes a seven-lot subdivision and construction of one single family dwelling on each lot in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Ohio, Herkimer County.

This authorization shall expire unless recorded in the Herkimer 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 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 an 86±-acre parcel of land located on Farr Road in the Town of Ohio, Herkimer 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 64, Block 1, Parcel 22, and is described in a deed from Deborah Ann Geer to Daniel M. Christmas and Marc H. Christmas, dated September 6, 2024, and recorded October 29, 2024 in the Herkimer County Clerk's Office under Instrument Number 2024-4724.

The project site is partially located within the designated Black River Scenic River Area. The project site also contains emergent, forested, and shrub 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 is improved by one pre-existing single family dwelling and associated on-site wastewater treatment system.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a seven-lot subdivision creating lots between 10 and 16 acres in size. Each lot will allow for the construction of a single family dwelling, associated on-site wastewater treatment system, and one accessory structure. Access to each lot will be accessed from Farr Road.

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

- A single-sheet plan titled "Final Map Showing Proposed Subdivision Lands of Daniel M. Christmas & Marc H. Christmas Part of Lot 15 of the Remsenburg Patenent Farr Road," prepared by Kovach Land Surveying, P.C., and dated May 27, 2025, received May 29, 2025 (Site Plan).
- A 33-page "Stormwater Pollution Prevention Plan," prepared by Fisher Civil Engineering, PLLC, and dated May 18, 2025, received May 29, 2025 (Stormwater and 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 or the construction of a single family dwelling on Rural Use lands located within any designated Scenic River Area 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 that results in the creation of five or more lots, parcels, or sites since May 22, 1973, in a Rural land use 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 Herkimer 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 the Site Plan and Stormwater and Septic 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 2025-0033, issued August 14, 2025, 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 seven-lot subdivision as depicted on the Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require a new or amended permit.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and one accessory structure on Lots 1 through 7 within the Area of Clearing and with the maximum footprints shown on the Site Plan. The single family dwellings and accessory structures 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 or dimensions of any authorized structure shall require prior written Agency authorization.

The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit. The construction of any accessory structure outside the Area of Clearing.
7. The undertaking of any new land use or development not authorized herein on the project site within one-quarter mile of the Black River shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
8. Construction of any guest cottage on the project site shall require prior written Agency approval.

9. There shall be no boathouses on the project site.
10. There shall be no docks on the project site.
11. Pursuant to the Adirondack Park Agency Act and Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act, new structures are prohibited within 250 feet, measured horizontally, of the mean high water mark of the Black River.

Fences, poles, lean-tos, and bridges are 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.

12. Any on-site wastewater treatment systems 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 Stormwater and 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.

13. The project shall be undertaken in compliance with the Stormwater Pollution Prevention and Erosion and Sediment Control Plans shown and described in the Stormwater and Septic Plan.
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 the Black River, Farr Road, or adjoining property.
16. All exterior building materials, including roof, siding and trim, of any structure on the project site shall be a dark shade of green, grey, or brown.
17. Outside of the Area of Clearing shown 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 dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

18. There shall be no more than one principal building located on each of lots 2, 3, 4, and 7 at any time. Each single family dwelling authorized herein on lots 2, 3, 4, and 7 constitutes one principal building.
19. There shall be no more than two principal buildings located on each of lots 1 and 5 at any time. Each single family dwelling authorized herein on lots 1 and 5 constitutes one principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
20. There shall be no more than one principal building located on Lot 6 at any time in addition to the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations. The single family dwelling authorized herein constitutes one principal building.

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/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 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;
- 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 14th day
of August, 2025.

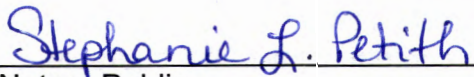
ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 14th day of August in the year 2025, 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, 2029


Notary Public

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DEED REFERENCE
Ogilvie Ave. (opp.
E. on Island) in Northwood and Lake

[illegible]