

THIS IS A TWO-SIDED DOCUMENT

 Adirondack Park Agency P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	APA Permit 2025-0175
In the Matter of the Application of KEVIN D. WALLACE AND ELIZABETH A. WALLACE Permittees for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577	Date Issued: September 18, 2025 To the County Clerk: Please index this permit in the grantor index under the following names: 1. Kevin D. Wallace 2. Elizabeth A. Wallace

SUMMARY AND AUTHORIZATION

This permit authorizes the construction of a single family dwelling and accessory storage shed in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Diana, Lewis County.

This authorization shall expire unless recorded in the Lewis 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 Lewis County Clerk's Office. The Agency will consider the project in existence when the authorized single-family dwelling has been constructed.

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 5.35±-acre parcel of land located on Middle Branch Road in the Town of Diana, Lewis County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 28.00, Block 2, Parcel 17, and is described in a deed from Steven J. Cooley and Gina M. Cooley and Brian Parker and Patsy Parker to Kevin D. Wallace and Elizabeth A. Wallace, dated January 3, 2025, and recorded January 23, 2025 in the Lewis County Clerk's Office under Instrument Number 2025-000383.

The project site contains shoreline on Middle Branch Oswegatchie River and is located within the designated Middle Branch Oswegatchie River Scenic River area. The project site also contains wetlands along the shoreline of the river. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the construction of a single family dwelling and accessory shed.

The project as authorized herein was originally approved by Agency Permits 91-160 and 98-206. The project is not yet in existence, and both permits have expired.

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

- A seven page set of plans entitled "New Septic System For Kevin Wallace Property At 13545 Middle Branch Road Town of Diana, NY" prepared by Olmstead Consulting and dated September 2, 2025 (Septic Plans).
- A one page plan entitled "Kevin and Elizabeth Wallace Property" prepared by Kevin Wallace and dated July 27, 2025 (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 Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the construction of any single family dwelling on Resource Management lands 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 new land use and development on Resource Management lands located within any designated scenic 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 Lewis 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 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 2025-0175, issued September 18, 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 the construction of one single family dwelling and accessory shed on the project site in the location and footprint, as shown on the Site Plan. The structures authorized herein shall be no more than 30 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.
6. The undertaking of any new land use or development not authorized herein on the project site within one-quarter mile of the Middle Branch Oswegatchie River shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
7. There shall be no boathouses on the project site.
8. There shall be no docks on the project site.
9. 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 Middle Branch Oswegatchie River.

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.

10. 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.

11. 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.
12. 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 Middle Branch Road or adjoining property.
13. 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 or black.
14. Within 100 feet of the centerline of Middle Branch Road, 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 an area up to 20 feet in width for driveway construction and utility installations, and dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
15. Within 100 feet of the mean high water mark of the Middle Branch Oswegatchie River 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.
16. There shall be no principal buildings located on the project site other than the dwelling authorized herein.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, 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 and accessory shed 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 Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management 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 be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- g. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- h. 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 18th day
of September, 2025.

ADIRONDACK PARK AGENCY

BY: _____

John M. Burth

Deputy Director of Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 18th day of September 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 PETITH
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Essex County
Commission Expires April 15, 2029

Stephanie L. Petith

Notary Public

APPROX. 1000' FROM
HOUSE TO RIVERBANK

LEACH FIELD
AREA

100' RADIUS FROM WELL

EXIST
SHED

EXIST
SHED

NEW
HOUSE

WELL

NEW
SHED

PROPERTY LINE

PROPERTY LINE

DRIVEWAY

EDGE OF MIDDLE BRANCH ROAD

25' - 110'

SCALE = 1:40

Kevin + Elizabeth
Wallace Property

By Kevin Wallace
7/27/2025

 New York State Adirondack Park Agency	RECEIVED Date: July 28, 2025
 New York State Adirondack Park Agency	FINAL P2025-0175