

THIS IS A TWO-SIDED DOCUMENT

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|  <p><b>Adirondack<br/>Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86<br/>Ray Brook, New York 12977<br/>Tel: (518) 891-4050<br/>www.apa.ny.gov</p> | <p>APA Permit<br/><b>2025-0295</b></p>                                                                                                                                                                                                                                     |
| <p>In the Matter of the Application of</p> <p><b>KRISTIN A. PETERSON and<br/>PATRICK J. O'REILLY</b><br/>Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack<br/>Park Agency Act and 9 NYCRR Part 578</p>                  | <p>Date Issued: <b>June 3, 2026</b></p> <p>To the County Clerk: Please index<br/>this permit in the grantor index<br/>under the following name(s):</p> <ol style="list-style-type: none"><li><b>1. Kristin A. Peterson</b></li><li><b>2. Patrick J. O'Reilly</b></li></ol> |

**SUMMARY AND AUTHORIZATION**

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

This authorization shall expire unless recorded in the Warren 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 Warren County Clerk's Office. The Agency will consider the project in existence when the foundation for the 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 an 18.7±-acre parcel of land located on Brookside Drive in the Town of Chester, Warren 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 17, Block 1, Parcels 14.13 and 14.14, and is described in a deed from Kiersten Marquart to Kristin A. Peterson and Patrick J. O'Reilly, dated January 10, 2024, and recorded January 25, 2024 in the Warren County Clerk's Office under Instrument Number 2024-0434.

The project site contains shoreline on Trout Brook. The project site also contains wetlands along the shoreline of Trout Brook and along the southern property line. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The project site was created as "Lot 1" and "Lot 2" in a six-lot subdivision as originally authorized by Permit 2006-0079. Permit 2006-0079 expired without being undertaken or renewed. Settlement Agreement 2015-0123 required compliance with the terms and conditions of Agency Permit 2006-0079.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of a single family dwelling and associated on-site wastewater treatment system in a different location than previously authorized, and the merging of lots 1 and 2.

The project is shown on a three-sheet set of Project Plans titled "Overall Site Plan," "Detailed Site Plan," and "Detail Sheet," prepared by Hutchins Engineering PLLC, and dated April 29, 2026, received by the Agency on April 29, 2026. A reduced-scale copy of the sheet titled "Overall Site Plan," of the Project Plans is attached as a part of this permit for reference.

## **AGENCY JURISDICTION**

The project authorized by Permit 2006-0079 required a permit pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, as a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands in the Adirondack Park.

The project authorized by Permit 2006-0079 required a permit pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, as a permit is required from the Adirondack Park Agency prior to any subdivision in a Resource Management land use 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 the construction of any single family dwelling on Resource Management lands in the Adirondack Park.

This permit amends conditions 6, 7, 12, 15 and 18 of Permit 2006-0079 as enforced through Settlement Agreement 2015-0123.

**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 Warren 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 Project Plans 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 2006-0079 and Settlement Agreement 2015-0123 in relation to the project site. The terms and conditions of Permit 2006-0079 and Settlement Agreement 2015-0123 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 2025-0295, issued June 3, 2026, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Any future subdivision of this lot shall require a new or amended permit.
7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and one barn on the project site in the locations shown on the Project Plans. The single family dwelling and barn shall each 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. The single family dwelling shall be less than 2,500 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. The barn shall be less than 1,100 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any change to the location or dimensions of the authorized structures shall require prior written Agency authorization.
8. 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 limits of clearing shall require a new or amended permit.

9. Construction of any guest cottage on the project site shall require prior written Agency authorization.
10. There shall be no boathouses on the project site.
11. There shall be no docks on the project site.
12. No structures greater than 100 square feet in size, shall be constructed within 100 feet, measured horizontally, of the mean high water mark of Trout Brook.
13. 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 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.

14. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan as shown on the Project Plans.
15. 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.
16. 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, toward Trout Brook, or adjoining property.
17. 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.
18. Outside of the limits of clearing shown on the Project Plans, 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 a) the removal of trees for firewood, b) within an area up to 6 feet in width, to allow for the establishment of a footpath to Trout Brook, and c) the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
19. The undertaking of any activity involving wetlands shall require a new or amended permit.

**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, 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 Chester;
- 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; and
- 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.

Dated:

*June 3<sup>rd</sup>, 2026*

Ray Brook, New York

**ADIRONDACK PARK AGENCY**

By:

*[Signature]*

John M. Burth

Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 3<sup>rd</sup> day of June in the year 2026, 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

STEPHANIE PETITH  
Notary Public, State of New York  
Reg. No. 01PE6279890  
Qualified in Essex County  
Commission Expires April 15, 2029

