


THIS IS A TWO-SIDED DOCUMENT

 <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Permit 2019-0051</p> <p>Date Issued: September 18, 2019</p>
<p>In the Matter of the Application of</p> <p>DANIEL WILT AND WILT INDUSTRIES, INC. Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>To the County Clerk: This permit must be recorded on or before November 18, 2019. Please index this permit in the grantor index under the following names: 1. Wilt Industries, Inc.</p>

SUMMARY AND AUTHORIZATION

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

This permit shall expire unless recorded in the Hamilton County Clerk's Office on or before November 18, 2019, 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 four years from the date the permit is recorded. 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 approximately 36.7-acre parcel of land located on NYS Route 8 and Longview Drive in the Town of Lake Pleasant, Hamilton County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 120.008, Block 1, Parcel 10.110, and is described in a deed from William A. Wilt to Wilt Industries, Inc., dated September 30, 1982, and recorded October 4, 1982 in the Hamilton County Clerk's Office at Book 183, Page 312.

The project site is partially located within one-eighth mile of the Silver Lake Wilderness area and contains a permanent stream and wetlands. The site is improved by an approximately 10,000-square-foot manufacturing facility authorized by Agency Permit 79-367.

The project site constituted a portion of a larger property on the May 22, 1973, enactment date of the Adirondack Park Land Use and Development Plan and was created by subdivision from this larger property in 1992. As this subdivision occurred within one-eighth mile of the Silver Lake Wilderness, it appears that an Agency permit was required for its undertaking. Agency records indicate that no permit was obtained. By issuance of this permit, the project site shall be recognized as lawful for Agency purposes.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the project site to create a 4.4-acre lot to be improved by a single family dwelling, and a 32.3-acre lot containing the existing manufacturing facility. No new development is authorized for the 32.3-acre lot.

The project is shown and described on the following maps, plans, and reports (the Project Plans):

- A survey map titled, "Survey Map of a Portion of Lands of Wilt Industries, Inc.," prepared by Ferguson & Foss Professional Land Surveyors, and last revised June 11, 2019;
- A two-sheet set of plans titled, "Wilt Industries Subdivided Lot – Septic System," prepared by James Reis Jr, P.E., and dated July 25, 2019 (Wastewater Treatment Plans);
- A two-page undated design report titled, "Subsurface Treatment System Specifications for Wilt Industries, Inc. Subdivision," prepared by James Reis Jr, P.E., and received by the Agency on August 7, 2019; and
- A response narrative dated July 26, 2019 from James Reis Jr, P.E.

A reduced-scale copy of Drawing Number 1 of the Wastewater Treatment Plans, showing the development authorized for the 4.4-acre lot, is attached as a part of this permit for easy reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

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 any subdivision of Low Intensity Use lands within one-eighth mile of forest preserve land classified as wilderness.

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 Hamilton 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 79-367 in relation to the 4.4-acre lot authorized herein. The terms and conditions of Permit 79-367 shall no longer apply to the 4.4-acre lot.

All terms and conditions in Permit 79-367 remain in full force and effect on the 32.3-acre lot authorized herein.

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 2019-0051, issued September 18, 2019, the conditions of which are binding upon the heirs, successors, and assigns of the grantors and all subsequent grantees."

Subdivision

6. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted on the Project Plans. Any subdivision of the project site not depicted on the Project Plans shall require a new or amended Agency permit.

Development – Construction Location and Size

7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on the 4.4-acre lot within the limits of clearing and as shown on and described in the Project Plans. Any change to the location or dimensions of the authorized dwelling shall require prior written Agency authorization.

Up to two accessory structures are allowed on the 4.4-acre lot without additional approval from the Agency, except that the construction of any accessory structure on the 4.4-acre lot within 100 feet of the stream or on slopes greater than 15 percent, and construction of any accessory structure on the 4.4-acre lot greater than 600 square feet in footprint or 25 feet in height, shall require prior written Agency authorization. Construction of any guest cottage on the 4.4-acre lot shall also require prior written authorization.

Utilities

8. All utilities installed on the 4.4-acre lot shall be underground.

Outdoor Lighting

9. 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 Longview Drive or adjoining property.

Building Color

10. All exterior building materials, including roof, siding, and trim of any structure on the 4.4-acre lot shall be a dark shade of green, grey, or brown.

Tree Cutting/Vegetation Removal

11. On the 4.4-acre lot, no trees greater than 6 inches in diameter at breast height may be cut or otherwise removed within 25 feet of the stream without prior written Agency authorization.

Except within the limits of clearing shown on the Project Plans, no trees greater than 6 inches in diameter at breast height may be cut or otherwise removed within 50 feet of the centerline of Longview Drive without prior written Agency authorization.

No prior approval is required for the removal from the project site of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

Invasive Species Control/Sanitizing Equipment

12. 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.

Density

13. There shall be no more than one principal building located on the 4.4-acre lot at any time. The single-family dwelling authorized herein constitutes a principal building.
14. There shall be no more than 10 principal buildings located on the 32.3-acre lot at any time. The manufacturing facility constructed on the property in 1980 pursuant to Agency Permit 79-367 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

Wastewater

15. Any on-site wastewater treatment system on the 4.4-acre lot 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.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the subdivision 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 Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- 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.

PERMIT issued this day
of , 2019.

ADIRONDACK PARK AGENCY

BY: _____
Robert J. Lore
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert J. Lore, 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

RJL:DFK:slp