



## Adirondack Park Agency

ANDREW M. CUOMO  
Governor

TERRY MARTINO  
Executive Director

### PERMIT WRITING FORM – P#2019-0023

Form Finalized: Assigned EPS \_\_\_\_\_ Date \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

#### APPLICANT

Project Sponsor: John R. Looes

Landowner: John R. Looes

Authorized Representative: NA

#### PROJECT SITE

Town/Village: Black Brook

County: Clinton

Road and/or Water Body: Silver Lake Road, Bonnie View Road and Newberry Pond

Tax Map #: 330.-1-5

Deed Ref: Jean Looes to John R. Looes, dated March 30, 2005, and April 6, 2005 in the Clinton County Clerk's Office under Instrument Number 2005-00181137.

Land Use Area: Low Intensity Use

Project Site Size: 183± acres

☒ Same as Tax Map #(s) identified above

☐ Only the H / MIU / LIU / RU / RM / IU portion of the Tax Map #(s) identified above

☐ Other (describe):

Lawfully Created? Yes (P89-464A) ☐ Pre-existing subdivision:

River Area: No If Yes: Wild - Scenic - Recreational Name of River:

CEAs (include all): Yes Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River

#### PROJECT DESCRIPTION

A seven-lot subdivision to create six residential building lots ranging in area from 3.05-acres to 4.65-acres, and one 162±-acre lot containing existing residential development (Lot 7). A location for the construction of one single family dwelling and an individual on-site wastewater treatment system and well water supply has been identified for each of the six building lots. An existing woods road will provide access to lots 1 through 6 from Silver Lake Road. This access road, the trail to the shoreline, and the common area along the shoreline of Newberry Pond will comprise part of Lot 7, and an easement will be provided to the individual lot owners for use of the road and common area.

#### JURISDICTION (including legal citation)

Pursuant to Sections 809(2)(a) and 810(1)(c)(1)(b) 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 on Low Intensity Use lands in the Adirondack Park.

Pursuant to Sections 809(2)(a) and 810(b)(1) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision involving ten or more lots, parcels, or sites in a Low Intensity Use land use area in the Adirondack Park.

Condition 2 of Project and Permit 89-464A restricts further subdivision of land or any other new land use and development .

## **PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED**

P89-464A

### **FINDINGS OF FACT – ENVIRONMENTAL SETTING**

#### **Lakes, Ponds, Navigable Rivers and Streams**

Check if none ☐

Water Body Name: **Newberry Pond**

Length of Existing Shoreline: **1,250 feet**

MHWM determ: **No**

Minimum Lot Width: **125 feet**

Meets standard: **Yes**

Structure Setback (APA Act): **75 feet**

Meets standard: **Yes**

Structure Setback (River Regs): **NA**

Meets standard: **NA**

**No** Cutting proposed within 6 ft of MHWM? If Yes, < 30% vegetation? **NA**

**No** Cutting proposed within 35 ft of MHWM? If Yes, < 30% trees 6" dbh? **NA**

**NA** Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

#### **Non-Navigable Streams in proximity to development**

Check if none ☐

☐ Permanent Stream ☒ Intermittent Stream

Classified? **No**

DEC Environmental Resource Mapper stream classification: **NA**

#### **Wetlands**

**Yes** Jurisdictional wetland on property

If Y:

☒ If Yes, RASS biologist consulted

→ Covertypes: **Wetlands located on the project site include a conifer swamp with a value rating of 4 located northwest of the existing woods road and a mixed conifer swamp/shrub swamp complex located near Silver Lake Road with a value rating of 3. The project site also contains wet meadow covertypes wetlands along most of the shoreline of Newberry Pond which adjoin areas of deepwater marsh within the pond and have a value of 3.**

→ Located < 200 ft from proposed development or along shoreline **Yes (conifer swamp)**

→ If Y, value rating: **4**

#### **Wildlife**

**No** Rare/threatened/endangered species ☐ If Yes, RASS ecologist consulted

**No** R/T/E or other unique species habitat ☐ If Yes, RASS ecologist consulted

**Yes** Northern Long-Eared Bat occurrences in Town ☒ If Yes, RASS ecologist consulted

**No** Forest management plan existing or proposed ☐ If Yes, RASS forestry analyst consulted

**No** Biological Survey required by RASS ecologist ☐ If Yes, completed

#### **Ecological / Special Districts**

**No** Natural Heritage Sites ☐ If Yes, RASS ecologist consulted

**No** Aquifer ☐ If Yes, RASS engineer consulted

**No** Agricultural District

**Slopes**     ☐ *RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%*  
Existing slope range: **0 – 25%**     Building area(s) if authorizing development: **< 8%**

### Soils

**Yes** Deep-hole test pit completed? (Necessary for every building lot)     ☐ *Check if N/A*  
☒ If Yes, soil data information determined or approved by RASS soil analyst  
NRCS Mapped Soil Series or Other Comments: **Test pits completed by Agency staff for all proposed building lots indicate greater than 48 inches to seasonal high groundwater.**

### Character of Area

Nearby (include all): **Residential** – Commercial – Industrial – Agricultural – **Forested**  
Adjoining Land Uses / State Land: **Private Residential and Forestry Uses**  
Is nearby development visible from road? **No**  
→ If Y, name road and describe visible development:

**Additional Existing Development** (ex: dam on site, etc.): **NA**

**\*\*\* Attach Individual Lot Development Worksheet (if a subdivision, attach one for each lot)**

### FINDINGS OF FACT – COORDINATED REVIEW

**No** Archeologically Sensitive Area, according to OPRHP     ☐ *If Yes, APA APO consulted*  
**No** Structures > 50 years old on or visible from site     ☐ *If Yes, APA AHPO consulted*  
**No** Within Lake George Park     ☐ *If Yes, LGPC consulted / application submitted*  
**Yes** Greater than 1 acre disturbance / SWPPP required     ☒ *If Yes, DEC application submitted*  
**No** Public water supply     ☐ *If Yes, DEC / DOH application submitted*  
**No** Greater than 1,000 gpd wastewater     ☐ *If Yes, DEC application submitted*  
**No** Disturbing bed or bank of water body     ☐ *If Yes, DEC application submitted*  
**Yes** Creating 5 or more lots less than 5 acres each     ☒ *If Yes, DOH application submitted*  
**No** Army Corps involvement     ☐ *If Yes, ACOE consulted*  
**No** Agency-approved Local Land Use Program     ☐ *If Yes, Town/Village consulted*

### PERMIT CONDITIONS AND IMPACT ANALYSIS

#### Merger

Justification if merger required:

#### Deed Covenant

Non-building lot being created? **No**  
If yes and lot is not being merged by condition, no PBs? Or no structures at all? **NA**  
If no are other covenants required? **No**  
Justification:

#### Easement

Easement proposed or required? **Yes**

If Y, consult with Legal for conditions. Justification: Required for access and utilities from Silver Lake Road to all six residential building lots.

### Construction Location and Size (may be different for each subdivision lot)

**Lots 1 through 6:** Is new development being authorized without further Agency review?

**Yes: Single Family Dwellings and Accessory Structures**

→ If Y: Structure height limit and justification: ≤30 feet for all structures; as proposed and reviewed, Agency will review any height increase

Structure footprint limit and justification: ≤4,000 sq feet for single family dwelling and ≤600 sq feet for accessory structures; as proposed and reviewed, Agency will review any increase in footprint

**Lot 7:** Is new development being authorized without further Agency review?

**Yes: Accessory Structures**

→ If Y: Structure height limit and justification: ≤30 feet; as proposed and reviewed, Agency will review any height increase

Structure footprint limit and justification: ≤1,250 sq feet of floor space; Lot 7 has few resource constraints other than wetlands in locations greater than 150 feet from Newberry Pond. The Agency will review any increase in footprint to ensure compliance with the Overall Intensity Guidelines and review any location within 150 feet of Newberry Pond or other adjoining land uses to avoid adverse impacts to those resources.

**No: Principal Buildings**

→ If N:

- Acceptable development sites identified for all subdivision lots with PB allocation? No
- Review of future development required? Yes
- If Y, justification: Subdivision/additional PBs will result in greater than 10 lots, parcels or sites since May 22, 1973

### Guest Cottages (if authorizing a dwelling)

Proposed and reviewed?

No

If N, guest cottages potentially allowed?

Yes

→ Justification for any conditions: Ensure that the necessary wastewater treatment capacity can be met within the limitations of the site and ensure against any other potential impacts.

### Boathouses (if project site contains shoreline)

Proposed and reviewed?

No

If N, boathouses potentially allowed?

Yes

→ If N, justification:

→ If Y, review required (beyond definition limits)? Yes

→ If Y, justification: Wetlands are located along the shoreline of Newberry Pond. Preservation of the character of the area and address concerns regarding the quality of the shoreline.

**Docks (if project site contains shoreline)**

Proposed and reviewed? Yes

If N, docks potentially allowed? NA

→ If N, justification:

→ If Y, review required (beyond definition limits)? NA

→ If Y, justification:

**Outdoor Lighting (if authorizing development)**

Plan proposed and reviewed? No

**Building Color (if authorizing development)**

If color condition required, justification: Additional visual protections for Lots 1 – 3 and Lot 6 to screen potential visual impacts to Newberry Pond and mitigate adverse impacts to adjoining land uses.

**Tree Cutting / Vegetation Removal**

Town with Northern Long-Eared Bat occurrences? Yes

If Y, consult with RASS for conditions. Justification: The entire project site is located within 5 miles of a known Northern Long-Eared Bat occurrence and clearing will be necessary for the development of Lots 1 – 6. No additional clearing is currently proposed for Lot 7.

Vegetative cutting restrictions required? Yes

If Y, restrictions required (choose all that apply): On Lots 1 - 3

☐ within feet of limits of clearing

☐ within feet of road

☐ within feet of river/lake/etc

☒ Other: Between Newberry Pond and the Area of Disturbance/Limit of Clearing

OR ☐ on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

☐ Cutting of all vegetation prohibited

☐ Cutting of trees of diameter dbh prohibited

☒ Other: No trees, shrubs or other woody-stemmed vegetation without prior written Agency authorization.

Justification: Maintain visual protections and shoreline quality; Prevent soil erosion.

If Y, restrictions required (choose all that apply): On Lots 4 and 5

☐ within feet of limits of clearing

☐ within feet of road

☒ within 100 feet of the wetland boundary

☐ Other:

OR ☐ on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

☒ Cutting of all vegetation prohibited

☐ Cutting of trees of diameter dbh prohibited

☐ Other:

Justification: Protect against wetland impacts.

If Y, restrictions required (choose all that apply): **On Lot 6**

☐ within                feet of limits of clearing

☐ within                feet of road

☐ within                feet of river/lake/etc

☒ Other: **Between the northwestern property boundary and the Area of Disturbance/Limit of Clearing.**

OR ☐ on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

☐ Cutting of all vegetation prohibited

☐ Cutting of trees of                diameter dbh prohibited

☒ Other: **No trees, shrubs or other woody-stemmed vegetation without prior written Agency authorization.**

Justification: **Minimize impacts to adjoining land use.**

If Y, restrictions required (choose all that apply): **On Lot 7**

☐ within                feet of limits of clearing

☐ within                feet of road

☒ **within 150 feet of Newberry Pond**

☐ Other:

OR ☐ on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

☐ Cutting of all vegetation prohibited

☐ Cutting of trees of                diameter dbh prohibited

☒ Other: **No trees, shrubs or other woody-stemmed vegetation without prior written Agency authorization.**

Justification: **Maintain visual protections and shoreline quality; Prevent soil erosion.**

## **Plantings**

Plan proposed and reviewed? **No**

If N, plantings required? **No**

→ If Y, species, number, location, and time of year: **NA**

Justification: **NA**

## **Wetlands**

Consult with RASS for conditions. Justification: **Lots 4, 5, and 7 contain wetlands. Restricting additional clearing within 100 feet of wetland boundaries and restricting the construction of accessory structures to locations greater than 100 feet from wetland boundaries will minimize impacts to these resources and preserve the wildlife habitat they provide for the entire project site.**

## **Density (may be different for each subdivision lot)**

Located in Town with ALLUP? **No** (If Y, stop. Town oversees density.)

Authorizing PB on substandard-sized lot created pre-2000 with no permit? **No**

If N and N, list existing PBs, including whether they are pre-existing/year built: **2 principal buildings exist on Lot 7: Single Family Dwelling (2000) and an attached garage apartment (2000)**

Mathematically available # of new PBs (in addition to existing or replacement): **49**

Extinguishing PBs? **No** If Y, number: **NA**

**Wastewater (if authorizing construction of a new PB without further review)**

Municipal system connection approved? **NA**  
Community system connection approved by RASS? **NA**  
Proposed on-site system designed by engineer and approved by RASS? **Yes**  
If N, has RASS field-verified location for conventional standard trench system? **NA**  
If N, has RASS field-verified location for conventional shallow trench system? **NA**  
Suitable 100% replacement area confirmed for existing / proposed system? **Yes**  
Consult with RASS for additional conditions.

**Stormwater Management (if authorizing development)**

Consult with RASS for conditions. Justification: **A SWPPP with erosion and sediment controls is required by the Agency to protect wetlands and other resources.**

**Erosion and Sediment Control (if authorizing development)**

Consult with RASS for conditions. Justification: **NA**

**Infrastructure Construction (if authorizing development)**

Construction necessary before lot conveyance: **Yes – access road and utility line**  
Justification: **NA**

**For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings**

Explain why no condition is needed: **Existing vegetation to remain between Newberry Pond, adjoining land uses and the existing and proposed development.**