



Adirondack Park Agency

PERMIT WRITING FORM – P2024-0275

Assigned EPS: **B. Amos** Reviewed by: [Click or tap here to enter text.](#) Date: [Click or tap to enter a date.](#)

APPLICANT

Project Sponsor(s): **Matthew Ernst**
Landowner(s): **Elk Lake Land Inc.**
Authorized Representative: **David Kornmeyer**

PROJECT SITE

Town/Village: **North Hudson County: Essex**
Road and/or Water Body: **Elk Lake Road, Clear Pond**
Tax Map #(s): **103.-1-7.100 (dwelling), 113.-3-1.000 (driveway)**
Deed Ref: **813:119**
Land Use Area(s): ☐H ☐MIU ☐LIU ☐RU ☒RM ☐IU
Project Site Size: **1, 041.67ac (Lot 7.100) + 99.8ac (Lot 1.000)± 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): **Within 5-acre building envelope south of clear pond outlined in 2012 conservation easement.**

Lawfully Created? ☒Y ☐N ☐Pre-existing subdivision: [Click or tap here to enter text.](#)

River Area: ☐Y ☒N If Yes: ☐Wild - ☐Scenic - ☐Recreational Name of River: [Click or tap here to enter text.](#)

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

PROJECT DESCRIPTION

Construction of 1-story 1,650-square-foot single family dwelling with an attached 280-square-foot garage, 500-square-foot carport, and 800-square-foot deck. The site will be accessed by a new gravel driveway from Elk Lake Road. Development also includes a 4-foot x 10-foot dock on Clear Pond, a 100-square-foot boat storage structure, and a 120-square-foot Drum Hut. Development is proposed within a 5-acre building envelope reserved in a conservation easement. Selective tree removal in two filtered view corridors will provide filtered views of Clear Pond from the single family dwelling.

JURISDICTION (including legal citation)

810(2)(d)(1) – Single Family Dwelling in Resource Management land use area

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

Prior permits remain in effect

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams

Water Body Name: **Clear Pond**

Check if none ☐

Length of Existing Shoreline (feet): >12,000 feet (entire pond)

Minimum Lot Width: 200 feet

Structure Setback (APA Act): 100 feet

Structure Setback (River Regs): Not applicable

☐Y ☒N Cutting proposed within 6 ft of MHW?

☐Y ☒N Cutting proposed within 35 ft of MHW?

☐Y ☒N Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

MHW determination: ☒Y ☐N

Meets standard: ☒Y ☐N

Meets standard: ☒Y ☐N

Meets standard: ☐Y ☐N

If Yes, < 30% vegetation? ☐Y ☐N

If Yes, < 30% trees 6" dbh? ☐Y ☐N

Non-Navigable Streams in proximity to development

Check if none ☐

☐ Permanent Stream

☒ Intermittent Stream

Classified? ☐Y

☐N

[DEC Environmental Resource Mapper](#) stream classification: [Click or tap here to enter text.](#)

Wetlands

☒Y ☐N Jurisdictional wetland on property, or

☐Y ☒N Wetlands are a basis of development jurisdiction ☐ If Yes, RASS biologist consulted

→ If Y, covertype: [Click or tap here to enter text.](#)

→ If Y, value rating: [Click or tap here to enter text.](#)

☐Y ☐N Draining, dredging, excavation of wetland

Area of wetland loss: [Click or tap here to enter text.](#) Permanent? ☐Y ☐N

☐Y ☐N Fill/structure in wetlands

Fill/structure area: [Click or tap here to enter text.](#)

☐Y ☐N Shading of wetland

Area of shading: [Click or tap here to enter text.](#)

☐Y ☐N Clearcutting >3 acres of wetland *RASS forester consulted

Clearcut area: [Click or tap here to enter text.](#)

☐Y ☐N Untreated stormwater discharge into wetland

☐Y ☐N Pollution discharge into wetland

Pollution type: [Click or tap here to enter text.](#)

☐Y ☐N Pesticide/Herbicide application in wetland

Pollution type: [Click or tap here to enter text.](#)

☐Y ☐N OSWTS within 100 feet of a wetland

Distance to Wetland: [Click or tap here to enter text.](#)

Ecological / Wildlife

☒Y ☐N Natural Heritage Sites/listed species or habitat present, including bat

☒Y ☐N Forest management plan existing or proposed – [on property outside of project site](#)

☒ If Yes, RASS forestry analyst consulted

☐Y ☒N Biological Survey required by RASS Biologist 2 or Supervisor

☐ If Yes, completed

Special Districts

☐Y ☒N Agricultural District

Slopes

☐ RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%

Existing slope range: 0-15% Building area(s) if authorizing development: 1-8%

Soils

- ☒Y ☐N 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: **Mundalite-Ampersand complex. Test pit accepted by RASS soils analyst.**

Stormwater

- ☐Y ☒N Greater than 1 acre disturbance, or
☒Y ☐N Proposed ground disturbance < 100 feet from wetlands
☒ If Yes, stormwater management reviewed and approved by RASS engineer
Setback to wetlands: **boat storage shed 70' +/- from wetlands**

Character of Area

- Nearby (include all): ☐Residential ☐Commercial ☐Industrial ☐Agricultural ☒Forested
Adjoining Land Uses / State Land: **Resource Management (under conservation easement), Wilderness, Wild Forest**
Is nearby development visible from road? ☐Y ☒N
→ If Y, name road and describe visible development: **No development for at least 0.5 mi on Elk Lake Road**

Additional Existing Development (ex: dam on site, etc.): **Click or tap here to enter text.**

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

FINDINGS OF FACT – COORDINATED REVIEW

- | | | |
|--|---|---|
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Archeologically Sensitive Area, according to OPRHP | <input type="checkbox"/> If Yes, APA APO consulted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Structures > 50 years old on or visible from site | <input type="checkbox"/> If Yes, APA AHPO consulted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Solar Project > 50 acres requiring ZVI & historic inventory | <input type="checkbox"/> If Yes, APA AHPO consulted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Within Lake George Park | <input type="checkbox"/> If Yes, LGPC consulted / application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Public water supply | <input type="checkbox"/> If Yes, DEC / DOH application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Greater than 1,000 gpd wastewater | <input type="checkbox"/> If Yes, DEC application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Disturbing bed or bank of classified/navigable water body | <input type="checkbox"/> If Yes, DEC application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Disturbing 300 LF or more of a stream (temp + perm) | <input type="checkbox"/> If Yes, DEC application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Disturbing ¼ acre of Corps wetlands (temp + perm) | <input type="checkbox"/> If Yes, DEC application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Creating 5 or more lots less than 5 acres each | <input type="checkbox"/> If Yes, DOH application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Army Corps involvement * | <input type="checkbox"/> If Yes, ACOE consulted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Agency-approved Local Land Use Program | <input type="checkbox"/> If Yes, Town/Village consulted |

*- Review the Pre-Construction Notification (PCN) thresholds for the [Buffalo District](#) and the [New York District](#) to help determine if an application (PCN) needs to be submitted to the Corps. Additionally, review the [Section 10 waters list](#) to determine if a Section 10 Navigable Waters permit might be required from the Corps.

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger

Justification if merger required: **Not a subdivision. Not required.**

Deed Covenant

Non-building lot being created? ☐ Y ☒ N

If Yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification: [Click or tap here to enter text.](#)

Easement

Easement proposed or required? ☐ Y ☒ N

If Y, consult with Legal for conditions. Justification: [Project site subject to existing NYSDEC conservation easement.](#)

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

Is new development (other than oswts) being authorized without further Agency review? ☒ Y ☐ N

→ If Y: Structure height limit and justification: [24.5 feet as proposed.](#)

Structure footprint limit and justification: [3,280 square feet as proposed.](#)

→ If N:

→ Acceptable development sites identified for all subdivision lots with PB allocation? ☐ Y ☐ N

→ Review of future development required? ☐ Y ☐ N

→ If Y, justification: [Click or tap here to enter text.](#)

Guest Cottages (if authorizing a dwelling)

Proposed and reviewed? ☐ Y ☒ N

If N, guest cottages potentially allowed? ☒ Y ☐ N

→ Justification for any conditions: [Prior agency review required to confirm structure meets guest cottage definition, and guest cottage OSWTS meets required setbacks to wetlands and water bodies.](#)

Boathouses (if project site contains shoreline)

Proposed and reviewed? ☐ Y ☒ N

If N, boathouses potentially allowed? ☒ Y ☐ N

→ If N, justification: [Click or tap here to enter text.](#)

→ If Y, review required (beyond definition limits)? ☒ Y ☐ N

→ If Y, justification: [Review required to avoid adverse impact to wetlands.](#)

Docks (if project site contains shoreline)

Proposed and reviewed? ☒ Y ☐ N

If N, docks potentially allowed? ☐ Y ☐ N

→ If N, justification: [Click or tap here to enter text.](#)

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

→ If Y, justification: [Click or tap here to enter text.](#)

Outdoor Lighting (if authorizing development)

Plan proposed and reviewed? ☐ Y ☒ N

Building Color (if authorizing development)

If color condition required, justification: **Not required. Visual impacts will be mitigated by vegetation removal restrictions.**

Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences? ☐Y ☒N

Indiana Bat habitat indicated on Lookup? ☐Y ☒N

Vegetative cutting restrictions required? ☒Y ☐N

If Y, restrictions required (choose all that apply):

☐within **Click or tap here to enter text.** feet of limits of clearing

☐within **Click or tap here to enter text.** feet of road

☐within **Click or tap here to enter text.** feet of river/lake/etc

☐within **Click or tap here to enter text.** feet of wetlands

☒Other: **Within the building envelope outside of the limits of clearing depicted on the Site Plan**

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 **Click or tap here to enter text.** diameter dbh prohibited

☒Other: **Except as described within the two selective cutting corridors depicted on the Site Plan, no trees may be cut, 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. Within 100 feet of wetlands depicted on the site plan, no vegetation shall be removed without prior written Agency authorization, except for the maintenance of the existing footpath and removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.**

Justification: **To provide visual screening of development when viewed from Clear Pond and to avoid impacts to wetlands from runoff and sedimentation.**

Plantings

Plan proposed and reviewed? ☒Y ☐N

If N, plantings required? ☐Y ☐N

→ If Y, species, number, location, and time of year: **Click or tap here to enter text.**

Justification: **Click or tap here to enter text.**

Density (may be different for each subdivision lot)

Located in Town with ALLUP? ☐Y ☐N

(If Y, STOP, Town oversees density.)

Authorizing PB on substandard-sized lot created pre-2000 with no permit? ☐Y ☒N

If N and N, list existing PBs, including whether they are pre-existing/year built: **Pre-existing "Gate House" single family dwelling located within conservation easement "Maintenance Exclusion Zone"**

Mathematically available # of new PBs (in addition to existing or replacement): **NYSDEC conservation easement describes 5 building envelopes for the construction of 1 SFD in each. The conservation easement describes additional 83.1-acre and 99.8-acre exclusion areas in the Resource Management land-use-area which have not had building rights extinguished.**

Extinguishing PBs? ☐Y ☒N If Y, number: PBs outside of the 5 SFD building envelopes described above and two exclusion areas described in the 2012 conservation easement were already extinguished through the conservation easement.

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

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

Stormwater Management (if authorizing development)

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.
Justification: Erosion and Sediment controls as depicted on project plans to avoid impacts to water resources from sedimentation.

Erosion and Sediment Control (if authorizing development)

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.
Justification: Erosion and Sediment controls as depicted on project plans to avoid impacts to water resources from sedimentation.

Infrastructure Construction (if authorizing development)

Construction necessary before lot conveyance: Not a subdivision. Not required.
Justification: Click or tap here to enter text.

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

Explain why no condition is needed: Permit will contain vegetation removal conditions to avoid adverse visual impacts when viewed from Clear Pond.

Additional Site / Project-Specific Concerns / Conditions Needed

Click or tap here to enter text.

Justification: Click or tap here to enter text.

☐Y ☒N Public comments received If Yes, #: Click or tap here to enter text.

☐Y ☒N Applicant submitted response (notes, if any) Click or tap here to enter text.



INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2024-0275

If a subdivision: Lot #Project site (SFD 7.100 and Driveway 1.000 lots) (1,141.47± acres)

Assigned EPS:BJA Reviewed by: Click or tap here to enter text. Date: Click or tap to enter a date.

Existing Development

PRINCIPAL BUILDINGS None on Lot 7.100

Structure - Pre-existing (Y/N)? - Lawfully constructed (Y/N)?
Pre-existing, lawfully constructed "Gate House" SFD on conservation easement "Maintenance Exclusion Zone" (driveway) lot.

ACCESSORY STRUCTURES

Structure - Pre-existing (Y/N)? - Lawfully constructed (Y/N)?
Existing dock on clear pond – unknown date- lawfully constructed
2 garages on conservation easement "Maintenance Exclusion Zone" (driveway) lot. Lawfully constructed.

Proposed Development

PRINCIPAL BUILDINGS

Structure Footprint Height # Bedrooms Slopes
SFD 3,230sqft (1,650 SFD, 500 Carport, 280 Garage, 800 deck) 24.5' 3BR 1-8%

Have necessary density? ☒ Y ☐ N

remaining potential principal buildings = 5 total building envelopes for 1 single family dwelling each described in Conservation Easement from ☐ survey or ☐ estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
Dock	4'x10'		0%
Boat storage building	100sqft		0-1%
Drum hut	120sqft		1-8%

ACCESS

*Consult RASS engineer for driveway > 12% slope / *consult RASS ecologist for driveway > ¼ mile

Driveway is ☐ existing / ☒ proposed Length: 650' +/- Width: 12'

Sight distance evaluated? ☐ Y ☒ N Slopes: 1-8%

Need Clearing/Grading? ☒ Y ☐ N Comments: Originates on existing woods road (Note if HOA or shared maintenance involved)

Need hwy access permit? ☐ Y ☒ N

Need easement? ☐ Y ☒ N

Need signs? ☐ Y ☒ N

VISUAL / AESTHETIC

☐ Y ☒ N Proposed development visible from public areas (list) **Boat shed and dock would be visible from Clear Pond-privately owned. Development would be screened from Elk Lake Rd, which is private, but traveled by public for access to conservation easement trails and visitors to Elk Lake Lodge.**

☒ Y ☐ N Existing topography / vegetation will screen, if retained

☐ Y ☒ N Planting plan proposed ☐ If Yes, RASS forestry analyst consulted

WASTEWATER TREATMENT (WWTS) **Consult RASS engineer for engineered plans*

☒ Individual on-site ☐ Municipal ☐ Community

☒ Y ☐ N Slope suitable for WWTS (i.e., $\leq 8\%$ shallow, $\leq 15\%$ conventional)?

☒ Y ☐ N Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?

☒ Y ☐ N All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)

☒ Y ☐ N If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)

☒ Y ☐ N All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)

☒ Y ☐ N Suitable 100% replacement area identified?

☐ Existing and proposed to remain (needs suitable 100% replacement area)

WATER SUPPLY

☒ Individual on-site ☐ Municipal

☒ Y ☐ N All water supplies, on-site and off-site, > 100 feet WWTS? (If No, need DOH waiver)

STORMWATER / EROSION & SEDIMENT CONTROL **Consult RASS engineer*

☒ Y ☐ N Does proposed development maintain existing drainage patterns?

☐ Y ☒ N < 1 acre disturbance proposed (May need E&S Control Plan if water/slope/soil resources at risk)

☐ Y ☒ N > 1 acre disturbance proposed (SWPPP required, which includes E&S Control Plan)

UTILITIES

Available on site? ☐ Y ☒ N ☐ Overhead ☐ Underground

Available at road? ☒ Y ☐ N ☒ Overhead ☐ Underground

Proposed for site? ☒ Y ☐ N ☐ Overhead ☒ Underground