

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 www.apa.ny.gov</p>	<p>DRAFT APA Permit 2024-0275</p>
	<p>Date Issued: XXXX</p>
<p>In the Matter of the Application of</p> <p>MATTHEW ERNST & ELK LAKE LAND, INC. Permittees</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. Elk Lake Land, Inc.</p>

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 North Hudson, Essex County.

This authorization shall expire unless recorded in the Essex 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 Essex County Clerk's Office. The Agency will consider the project in existence when the single family dwelling authorized herein 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 includes a 5-acre building envelope on the southern shoreline of Clear Pond within a 1,042-acre parcel of land in the Town of North Hudson, Essex County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The parcel is identified as Tax Map Section 103, Block 1, Parcel 7.100. The project site also includes the adjoining 99.8-acre Tax Map Section 113, Block 3, Parcel 1.100 for access driveway construction and improvement.

The project site is part of a 10,682±-acre tract of land surrounding Elk Lake, Clear Pond, and Elk Lake Road. The tract is described in a deed from John L. Ernst to Elk Lake Land, Inc., dated September 24, 1985, and recorded October 24, 1985 in the Essex County Clerk's Office at Book 843, Page 119. The tract was created in a two-lot subdivision when the 1,433±-acre Casey Brook tract was conveyed to The Nature Conservancy as authorized by Agency Permit 2009-56.

The above-referenced tract is subject to a conservation easement from Elk Lake Land, Inc. to The People Of The State Of New York, dated December 21, 2012, and recorded December 27, 2012 in the Essex County Clerk's Office under Instrument Number 2012-5720. The 5-acre building envelope is reserved for development within the easement area.

The project site contains shoreline on Clear Pond, and the site contains forested wetlands and deepwater marsh wetlands within Clear Pond. 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 one-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 by 10-foot dock on Clear Pond, a 100-square-foot boat storage structure, and a 120-square-foot drum hut.

The project is shown on the following Project Plans:

- A three-page set of plans titled "Project: Ernst Residence Tax Map #103.-1-7.100," prepared by Winchip Engineering and dated March 21, 2025 (Site Plan); and
- A three-page set of architectural plans titled "Project: Ernst Residence, Clear Pond, North Hudson, NY," prepared by David Kornmeyer Architects and last dated March 24, 2025 (Architectural Plan).

A reduced-scale copy of Sheet ST-001 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.

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 Essex 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 2009-56 in relation to the project site. The terms and conditions of Permit P2009-56 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 2024-0275, issued May 14, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and accessory structures on the project site in the location, footprint, and height shown and as described on the Site Plan. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
7. The construction of additional accessory structures on the project site outside of the limits of clearing depicted on the site plan shall require prior written Agency authorization.
8. This permit authorizes the construction of one dock on the project site as depicted and described on the Site Plan. Any change to the location or dimensions of the authorized dock shall require prior written Agency authorization. Construction of any additional docks shall require prior written Agency authorization.
9. Construction of any guest cottage on the project site shall require prior written Agency authorization.

10. Prior to undertaking construction of any boathouse on the project site, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
11. No structures greater than 100 square feet in size shall be constructed within 100 feet, measured horizontally, of the mean high water mark of Clear Pond.
12. Any on-site wastewater treatment system(s) 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 Site Plan. 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.

13. Erosion and sediment controls shall be implemented as depicted and described on the Site Plan.
14. 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.
15. 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 Clear Pond, Elk Lake Road, or adjoining property.
16. 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.
17. 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.
18. The undertaking of any activity involving wetlands shall require a new or amended permit.
19. There shall be no more than one principal building located on the project site described herein at any time. The single family dwelling authorized herein constitutes a principal building.

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 single family dwelling 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; 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 , 2025.

ADIRONDACK PARK AGENCY

BY: _____
XXXX

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared XXXX, 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