


THIS IS A TWO-SIDED DOCUMENT

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|  <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><b>DRAFT</b> APA Permit<br/><b>2025-0180</b></p>  |
| <p>In the Matter of the Application of</p> <p><b>PHILIP AYLWARD &amp;<br/>KATHLEEN AYLWARD</b><br/><b>Permittees</b></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>XXXX</b></p> <p>To the County Clerk: Please index<br/>this permit in the grantor index<br/>under the following name(s):<br/><b>1. Philip Aylward</b><br/><b>2. Kathleen Aylward</b></p> |

**SUMMARY AND AUTHORIZATION**

This permit authorizes a seven-lot subdivision and construction of seven single family dwellings in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Keene, 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 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 a 168.5±-acre parcel of land located on NYS Route 73 in the Town of Keene, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 53, Block 1, Parcel 3.111, and is described in a deed from Anastasios Kokoris to Philip Aylward and Kathleen Aylward, dated July 17, 2023, and recorded July 20, 2023 in the Essex County Clerk's Office at Book 2131, Page 74.

The project site contains wetlands in the eastern portion of the project site, between the proposed development and Butternut Way. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a seven-lot subdivision and construction of seven single family dwellings, garages, on-site wastewater treatment systems and water supply wells.

The project is shown on the following Project Plans:

- a single-sheet survey map titled "Map Showing Survey & Subdivision of a Portion of Property for Philip Aylward & Kathleen Aylward," prepared by Leifheit & Littlefield Land Surveying, dated December 5, 2025 and received by the Agency on December 8, 2025 (Survey Map);
- a 34-sheet set of plans titled "Aylward Subdivision," prepared by North Woods Engineering, PLLC, last revised December 5, 2025 and received by the Agency the same date (Site Plans); and
- a 152-page report titled "Stormwater Pollution Prevention Plan, Aylward Subdivision, Town of Keene, New York," prepared by North Woods Engineering, PLLC, last revised December 1, 2025 and received by the Agency on December 5, 2025 (SWPPP).

A reduced-scale copy of Sheet C105 "Overall Site Plan" of the Site Plans is attached as a part of this permit for reference.

### **AGENCY JURISDICTION**

Pursuant to Section 809(2)(a) 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 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 any subdivision of Rural Use lands that results in the creation of a non-shoreline lot smaller than 7.35 acres in size 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 any subdivision that results in the creation of five or more lots, parcels, or sites since May 22, 1973, in a Rural Use 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 any subdivision of Rural Use lands within 150 feet of the edge of the right-of-way of any state highway 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 all 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. 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 2025-0180, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. Subject to the conditions stated herein, this permit authorizes a seven-lot subdivision as depicted on the Survey Map. Any subdivision of the project site not depicted on the Survey Map shall require a new or amended permit.
6. Prior to the conveyance of any lot created by this permit or the commencement of any development on such lot, whichever occurs first, a new deed for Lot 7 shall be filed in the Essex County Clerk's Office, describing an easement providing access to Lots 1-6 over the shared driveway as shown on the approved Site Plans.
7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and one garage on Lots 1-7 in the locations shown and as described on the Site Plans. Any change to the location of any authorized structure shall require prior written Agency authorization.

The single family dwellings shall be no more than 33 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The single family dwellings shall be no more than 2,800 square feet in footprint, including all attached porches, decks, exterior stairs, and other attached structures. Any expansion beyond these dimensions shall require prior written Agency authorization.

The garages shall be no more than 18 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The garages shall be no more than 600 square feet in footprint, including all attached porches, decks, exterior stairs, and other attached structures. Any expansion beyond these dimensions shall require prior written Agency authorization.

8. Subject to the conditions stated herein, this permit authorizes the construction of a shared access driveway on Lot 7, as depicted on the Site Plans. Any change to the location or design of the shared driveway shall require prior written Agency authorization.
9. The construction of any accessory structure outside the limits of clearing shown on the Site Plans shall require prior written Agency authorization.
10. The undertaking of any new land use or development not authorized herein on the project site within 150 feet of the right-of-way of NYS Route 73 shall require a new or amended permit.
11. The construction of any additional dwelling or other principal building on Lot 7 shall require a new or amended permit.
12. Construction of any guest cottage on the project site shall require prior written Agency authorization.
13. 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 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 Stormwater Pollution Prevention Plan (SWPPP).
15. The project shall be undertaken in compliance with the Erosion and Sediment Controls shown and described on the Site Plans and in the SWPPP.
16. 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.

17. 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 NYS Route 73 or adjoining property.
18. 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.
19. Outside of the limits of clearing shown on the Site 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 the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard, and except for the removal of trees for firewood on Lot 7.
20. The undertaking of any activity involving wetlands shall require a new or amended permit.
21. There shall be no more than one principal building located on each of Lots 1-6 at any time. The single family dwelling authorized herein on Lots 1-6 each constitute one principal building.
22. There shall be no more than 12 principal buildings located on Lot 7 at any time. The single family dwelling authorized herein on Lot 7 constitutes one principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

### **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 subdivision and single family dwellings 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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- 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;
- f. 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
- g. 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.

PERMIT issued this       day  
of                                , 2026.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_  
John M. Burth  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the       day of                                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.

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Notary Public