

County Clerks Office
 Jan 16, 2008 11:53A
 Fedeio J. Vogel
 Warren County Clerk


Nothing contained in this permit shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

This 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 either of the two lots authorized herein is conveyed and the deed of conveyance is recorded in the Warren County Clerk's Office.

This project may not be undertaken until this permit is recorded in the Warren County Clerk's Office. This permit shall expire unless so recorded on or before February 26, 2008, in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.

Cersosimo Lumber Co. Inc. is granted a permit, on conditions, authorizing a 2-lot subdivision involving wetlands in an area classified Resource Management by the Official Adirondack Park Land Use and Development Plan Map in the Town of Thurman, Warren County.

SUMMARY AND AUTHORIZATION

<p>In the Matter of the Application of CERSOSIMO LUMBER CO. INC. for a permit pursuant to §809 of the APA Act and 9 NYCRR 578</p>	<p>To the County Clerk: This permit must be recorded on or before February 26, 2008. Please index this permit in the grantor index under the following names: 1. Cersosimo Lumber Co. Inc.</p>
<p> P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050</p>	<p>APA Project Permit 2007-130 Date Issued: December 28, 2007</p>

54
 APA
 \$1,095

AGENCY JURISDICTION

The project consists of a two-lot subdivision involving wetlands in a Resource Management land use area, a Class A regional project requiring an Agency permit pursuant to §810(1)(e)(1)(b) and (3) of the Adirondack Park Agency Act and a regulated activity requiring a wetlands permit pursuant to 9 NYCRR Sections 578.2 and 578.3(n)(1)(f).

PROJECT SITE

The project site is an 89.76 acre parcel of land located on the Henry Wescott Road in the Town of Thurman, Warren County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. It is identified on Town of Thurman Tax Map Section 194, Block 1 as parcel 61.1. The project site is described in a deed from Mark A. Haight to Cersosimo Lumber Co. Inc. dated January 7, 2005 which was recorded January 11, 2005 in the Warren County Clerk's Office in Liber 1427 of Deeds at Page 115.

PROJECT DESCRIPTION AS PROPOSED

The project as proposed and conditionally approved herein is summarized as follows: A subdivision of the 89.76 acre project site into two lots, each with frontage on Henry Wescott Road. No new land use or development is proposed for either lot.

One lot 5.41 acres in size is developed by a pre-existing single family dwelling. This lot contains wetlands located more than 100 feet from the dwelling and will be sold as-is. The dwelling is served by an individual well water supply and an on-site wastewater treatment system of unknown type and capacity. There is no evidence of failure, but the system is located within 100 feet of a permanent stream, located on the easterly side of Henry Wescott Road.

The second lot is an 84.35 acre vacant parcel which will be retained. It will continue to be managed for forestry uses, together with adjoining lands of Cersosimo Lumber Co., Inc. A flat plateau approximately 200 feet west of the public highway has been identified as a potential future building site; however, there are no plans to build on this lot.

The project is illustrated by a map of a survey prepared by Russell B. Howard, L.S. entitled, "Map of a Subdivision of Land made for Cersosimo Lumber Co., Inc." by Bolster and Associates dated August 25, 2006 and by a sketch map showing the pre-existing dwelling, the existing on-site wastewater treatment system and a designated replacement area northwesterly of the dwelling.

A reduced scale copy of the survey map is attached as a part of this permit for reference. The original, full-scale maps and plans referenced in this permit are the official plans for the project.

CONDITIONS

BASED UPON THE FINDINGS BELOW, THE PROJECT IS APPROVED SUBJECT WITH
THE FOLLOWING CONDITIONS:

1. The project shall be undertaken as described in the completed application, the Project Description as Proposed and Conditions herein. In the case of conflict, the Conditions control. Failure to comply with the permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.

2. This permit is binding on the applicant, all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this permit and all the approved maps and plans referred to herein shall be furnished by the applicant to all contractors prior to undertaking the project, and to all subsequent owners or lessees of the project site prior to sale or lease. 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 2007-130 issued December 28, 2007, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

3. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.

Projected Remaining Building Density

4. No additional principal buildings shall be allowed on the 5.41 acre lot to be conveyed and not more than two principal buildings shall be allowed on the 84.35 acre parcel to be retained unless the overall intensity guidelines of the Adirondack Park Agency Act or the Park Plan Map are amended or, pursuant to the adoption of an Agency-approved local land use program, refined so as to permit additional principal buildings. Due to site limitations, the Agency makes no assurances the maximum development mathematically allowed can be approved.

Outdoor Lighting

5. Any new free-standing and building mounted outdoor lights shall employ full cut-off fixtures; that is, they shall be fully shielded to direct light downward and not into the sky. The fixtures shall be oriented so as to not cast light toward Henry

Wescott Road or adjoining property. The intent is to reduce nighttime light pollution (glare, light trespass and sky glow).

Wetlands

6. Beyond that authorized herein (subdivision only), no "regulated activity" as defined in the Agency's Freshwater Wetland Regulations (9 NYCRR Part 578) shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development in, subdivision of, clearcutting more than three acres within, or dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, which pollutes it or substantially impairs its functions, benefits or values.

Wastewater Treatment

7. No new or replacement on-site wastewater treatment systems shall be installed on the 89.76 acre project site without a new or amendment permit from the Agency.

8. Prior to any expansion (footprint, increase in the number of bedrooms or occupancy) or replacement of the pre-existing single family dwelling on the 5.41 acre lot, plans for a replacement on-site wastewater treatment system designed in conformance with current NYS Department of Health and Adirondack Park Agency guidelines shall be submitted to the Agency for review and approval.

Agency Review of Future Subdivision and Development

9. No further subdivision or land use and development shall occur on the property without first obtaining a jurisdictional determination and, if necessary, a permit from the Agency.

FINDINGS OF FACT

Background/Prior History

1. The 89.76 acre project site is developed by one pre-existing single family dwelling. On May 22, 1973, the enactment date of the APA Act, the property was part of a larger parcel located on both sides of Henry Wescott Road. APA permit 99-2 issued August 31, 1999 authorized a subdivision of 123.76 acres of land located on the east side of Henry Wescott Road. The 89.76 acre project site is that portion of the original property located on the westerly side of Henry Wescott Road and its sale was not subject to Agency jurisdiction.

Existing Environmental Setting

2. The project site is located near the southern terminus of Henry Wescott Road, a 1 1/2 mile Town-maintained gravel road. The area is remote and sparsely developed by modest seasonal and year-round residences and hunting & fishing cabins. Much of the surrounding lands are managed for forestry and open-space recreational uses.

According to the Warren County soils inventory, soils in the area of the pre-existing dwelling are comprised of very stony, sandy loams in the Lyme series. Upslope of the dwelling, and within 500 feet of the public highway, soils are very bouldery fine sandy loams in the Hermon series. These soils are deep, well drained and suitable for residential on-site wastewater treatment systems. Slopes on the property range from moderate to steep and severe. The pre-existing dwelling and the area identified as a potential building site have ample areas of modest slopes suitable for driveway access, siting of buildings and on-site wastewater treatment systems. A permanent stream is located across Henry Wescott Road and within 100 feet of the project site.

Other Regulatory Permits and Approvals

3. The project is not subject to review by the Town of Thurman.

PROJECT IMPACTS

Wetlands

4. An area of wet meadow wetlands is located on the northerly end of the 5.41 acre lot. It is more than 100 feet from the pre-existing single family dwelling and no new land use or development is proposed. No wetlands loss or impacts will occur as a result of this project as authorized herein. However, significant expansion of the dwelling, construction of accessory buildings, replacement on-site wastewater treatment systems or other new land use or development could impact the wetlands if minimum separation distances are not adhered to or stormwater is not properly managed.

5. Wetlands described herein are intended to alert landowners and others that wetlands are present on the project site. However, this may not identify all wetlands on or adjacent to the project site.

Water Resources

6. The dwelling is served by an individual well water supply and an on-site wastewater treatment system of unknown type and capacity. There is no evidence of failure, but the system is located within

100 feet of a permanent stream, located on the easterly side of Henry Wescott Road. Any increase in occupancy or expansion of the house or evidence of failure of the system should trigger replacement of the system to current standards. Ample area is available on the 5.41 acre lot to meet all separation distances.

Land Resources

7.

Slopes on the site within 300 feet of Henry Wescott Road are generally less than 15%. Areas of the large lot have steep to severe slopes including bedrock outcrops. These areas are unsuitable for development, but are within the parcel maintained for forestry uses.

Wildlife Resources

8.

The project involves a subdivision of lands only. Forestry uses of the large parcel will continue, and the pre-existing dwelling is located in close proximity to the public highway and two dwellings on adjoining lands. Therefore, impacts to wildlife will not be significant as a result of this project.

Open Space/Aesthetics

9.

The pre-existing single family dwelling is located within fifty feet of the public highway from which it is highly visible. Two other dwellings on neighboring lands are in close proximity and are also visible from the highway.

Historic Sites or Structures

10.

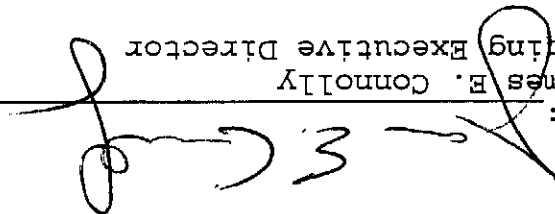
The pre-existing single family dwelling is approximately 40 years old and, according to available mapping resources, there are no known archaeological resources on the project site. The project as proposed and authorized herein will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR Section 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval as set forth in: §809(10) of the Adirondack Park Agency Act (Executive Law, Article 27) and 9 NYCRR Part 574; §24-0801(2) of the NYS Freshwater Wetlands Act (ECL, Article 24, Title 8) and 9 NYCRR Section 578.10. The Agency hereby finds that the project is approvable and complies with the above criteria, provided it is undertaken in compliance with the conditions herein.

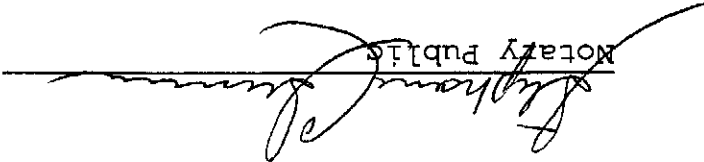
PERMIT issued this 28th day
of December, 2007.

ADIRONDACK PARK AGENCY

BY: 
James E. Connolly
Acting Executive Director

STATE OF NEW YORK
)
) ss.:)
COUNTY OF ESSEX)

On the 28th day of *December* in the year 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared James E. Connolly, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

STEPHANIE C. SUMMERS
Notary Public, State of New York
01SU6128764
Commission Expires June 13, 2009

JEC:SBM:GVO:SCS

