


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <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>APA Permit 2022-0204</p>
<p>In the Matter of the Application of</p> <p>BRIAN WELLS, CLAY ARSENAULT, & CEDAR HEIGHTS TIMBER, LLC Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act 9 NYCRR Part 578</p>	<p>Date Issued: November 1, 2022</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Cedar Heights Timber, LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision by lease and the construction of four pedestrian bridges involving wetlands in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Long Lake, Hamilton County.

This authorization shall expire unless recorded in the Hamilton 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 County Clerk's Office. The Agency will consider the project in existence when one of the proposed bridges 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 is a 2,168.30±-acre parcel of land located on Sabbattis Road/Circle Road/County Route 10A in the Town of Long Lake, Hamilton County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 10, Block 1, Parcel 7.100, and is described in a deed from Lyme Adirondack Timberlands I, LLC to Cedar Heights Timber, LLC, dated September 17, 2010, and recorded September 21, 2010 in the Hamilton County Clerk's Office at Book 251, Page 504.

The project area is located within one-eighth mile of the William C. Whitney Wilderness Area and contains Mixed Forested wetlands with a Value rating of "2".

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision by lease to create a 2.62±-acre parcel for the construction of four pedestrian bridges involving wetlands. The pedestrian bridges will connect a hiking trail from a designated parking lot on Sabbattis Road/Circle Road/County Route 10A to Buck Mountain Fire Tower. The proposal is part of a 10-year recreational access lease between Hamilton County, The Town of Long Lake, and Cedar Heights Timber, LLC to grant access to the leased area, which will include a 1-acre parking area and a 12-foot-wide trail corridor approximately 1.2 miles in length.

Existing access to the project site is from the existing 1-acre parking area. The Town of Long Lake will monitor the parking area and have responsibility for light maintenance. Hamilton County will have responsibility for any necessary major trail repair

The project is shown on the following Project Plans:

- Three sheets of plans titled "Buck Mountain Trail Wetland Structures Location Map," unsigned and received by the Agency on August 18, 2022 (Site Plan Maps);
- Two sheets of plans titled "Figure 1 and Figure 2 Hamilton County Buck Mountain Fire Tower Trail," unsigned and received by the Agency on August 18, 2022 (Bridge Design Plan); and
- Five sheets of plans titled "Buck Mountain Fire Tower Trail Long Lake, NY," unsigned and received by the Agency on September, 2022 (Existing Uses Map).

Reduced-scale copies of the Site Plan Maps are 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 deposit of fill in a wetland in the Adirondack Park.

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 in a Resource Management 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 Resource Management lands within one-eighth mile of forest preserve lands classified as wilderness 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 Hamilton 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, for as long as the four pedestrian bridges remain on the site. 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 Agency Permits 85-42 and 94-324 in relation to the authorized 2.62-acre lease area. The terms and conditions of Agency Permits 85-42 and 94-324 shall no longer apply to the lease area.
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 2022-0204, issued November 1, 2022, 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 a two-lot subdivision by lease and the construction of four pedestrian bridges as shown and as depicted on the plans referenced herein. Any change to the location, dimensions, or other aspect of the subdivision or development authorized herein shall require prior written Agency authorization.
7. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act/9 NYCRR § 577.4, the undertaking of any new land use or development not authorized herein on the project site within one-eighth mile of the William C. Whitney Wilderness Area will require a new or amended permit.

8. 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.
9. All signs associated with the hiking trail on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
10. The undertaking of any activity not authorized herein involving wetlands shall require a new or amended permit.


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 project 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;
- 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 result in minimal degradation or destruction of the wetland or its associated values, and provides an essential public benefit.

PERMIT issued this 1st day
of November, 2022.

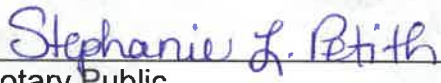
ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Environmental Program Specialist 3 (EPS3)

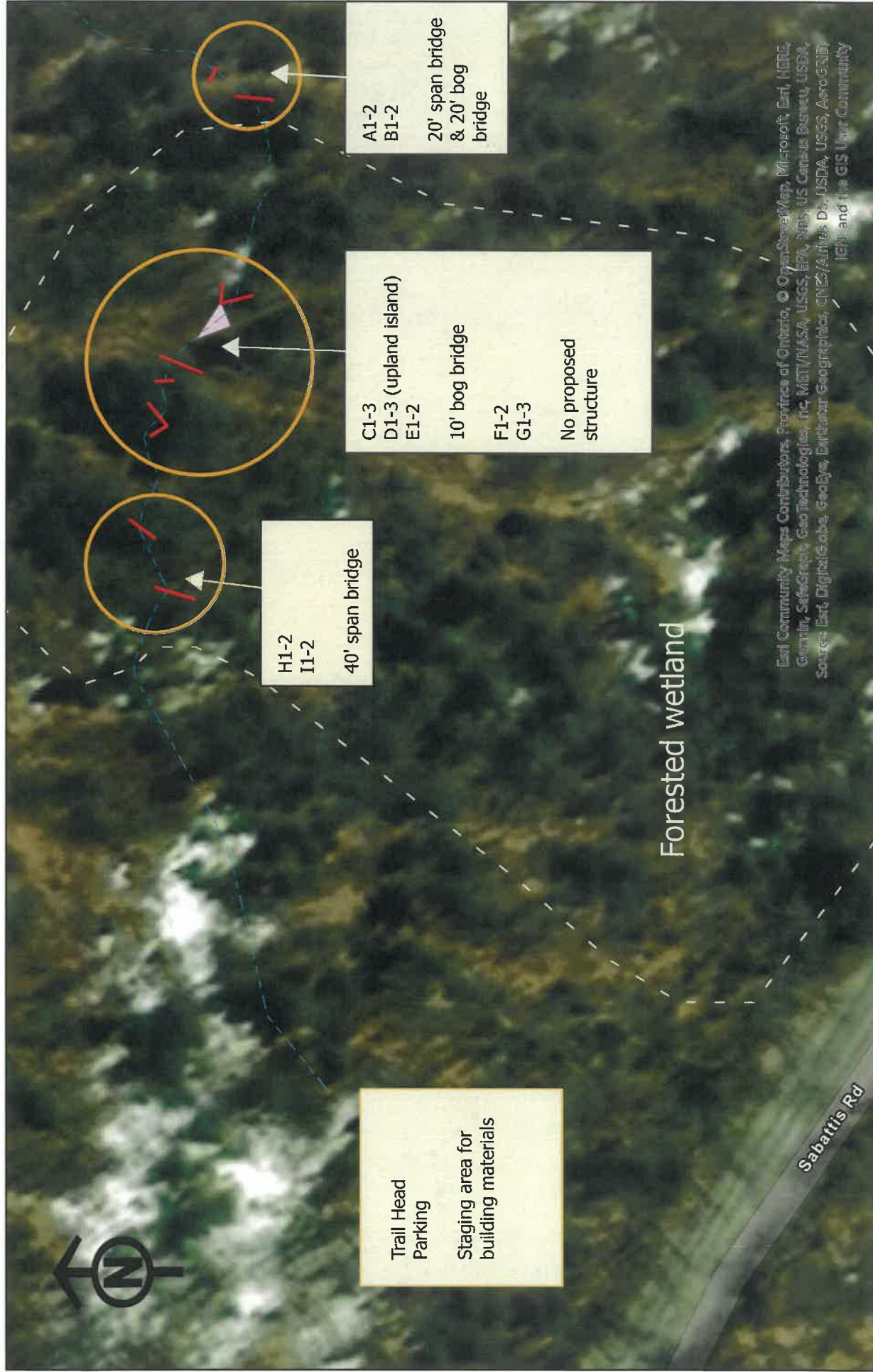
STATE OF NEW YORK
COUNTY OF ESSEX

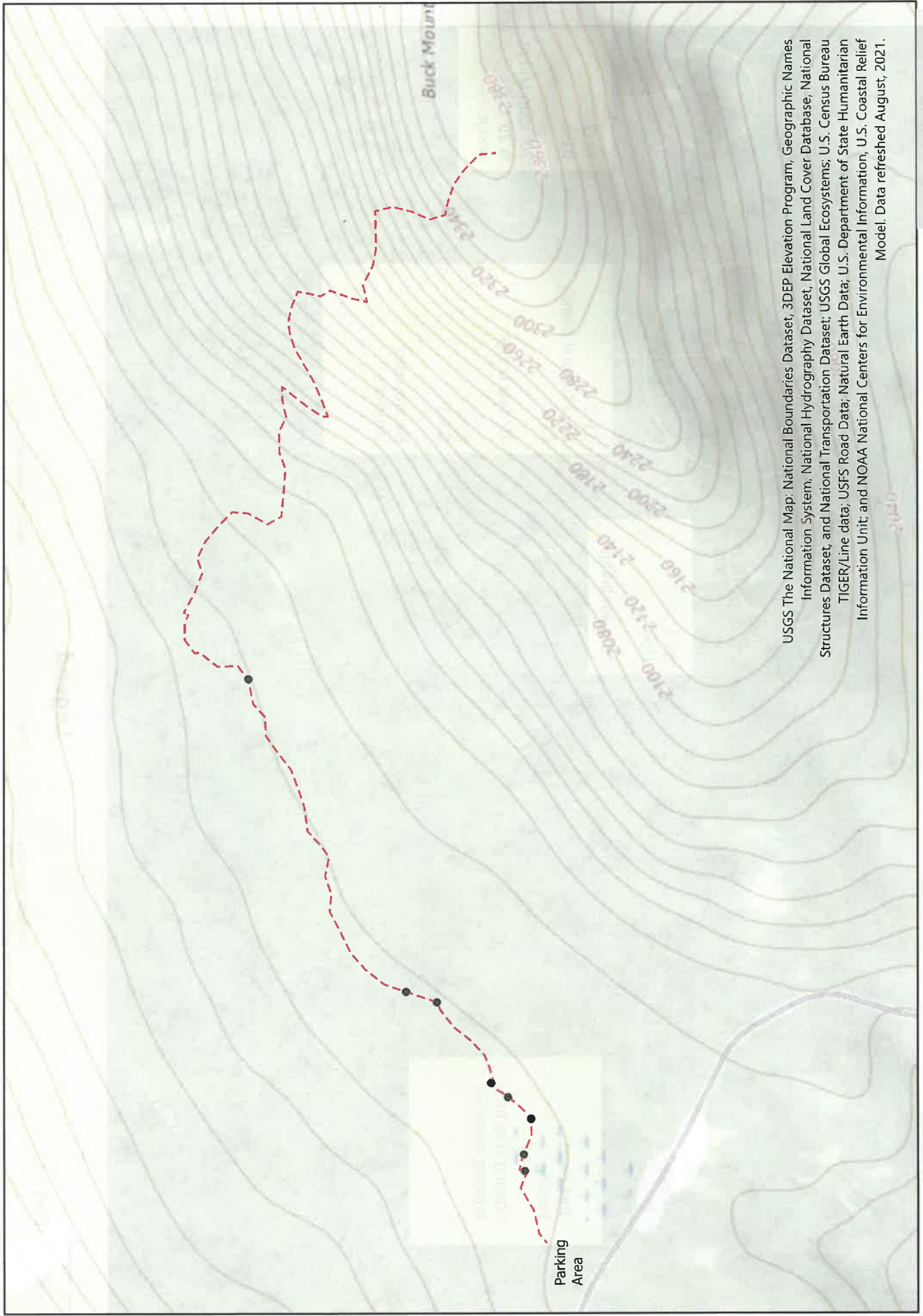
On the 1st day of November in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged 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.

STEPHANIE L. PETITH
Notary Public - State of New York
Qualified in Franklin County
No. 01PE6279890
Commission Expires Apr. 15, 2025


Notary Public

Project Site Map for Structures





USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed August, 2021.



- Proposed structures
- - - Buck Mountain Trail

