


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 2022-0064</p>
	<p>Date Issued: September 22, 2022</p>
<p>In the Matter of the Application of</p> <p>KARL ZIEMANN, CAROL ZIEMANN, JOHN ISABELLA, & PATRICIA ISABELLA Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Carol & Karl Management LLC2. John Isabella3. Patricia Isabella

SUMMARY AND AUTHORIZATION

This permit authorizes a new commercial use boat storage facility and a two-lot subdivision in an area classified Low Intensity on the Adirondack Park Land Use and Development Plan Map in the Town of Caroga, Fulton County.

This authorization shall expire unless recorded in the Fulton 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 the commercial use boat storage facility begins to operate, or the authorized structure 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 5.54±-acre parcel of land located on NYS Route 10 in the Town of Caroga, Fulton County, in an area classified Low Intensity on the Adirondack Park Land Use and Development Plan Map as follows:

- Tax Map Section 38, Block 1, Parcel 25, described in a deed from John Isabella to John Isabella & Patricia Isabella, dated April 12, 2006, and recorded May 10, 2006, in the Fulton County Clerk's Office at Book 1037, Page 261; and
- Tax Map Section 38, Block 1, Parcel 28, described in a deed from Lawrence G. Kohan & Kristen J. Kohan to Carol & Karl Management LLC, dated July 27, 2021, and recorded August 2, 2021, in the Fulton County Clerk's Office under Instrument Number 2021-68877.

The project site contains wetlands following the toe of slope on the northwestern portion of tax map parcel 38.-1-28. 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 operation of a commercial use boat storage facility and the construction of an 8,480-square-foot commercial use boat storage structure. The project includes a two-lot subdivision involving wetlands to convey 0.575 acres from tax map parcel 38.-1-28 (Lot 1) to tax map parcel 38.-1-25 (Lot 2). Existing access to the project site is from NYS Route 10, which will be used to access the new use and structure.

The project is shown on the following maps, plans, and reports (Project Plans):

- A one sheet plan titled "Survey Map And Boundary Line Adjustment For Lands Of Carol & Karl Management, LLC" prepared by Ferguson & Foss Professional Land Surveyors, PC, dated October 15, 2021 and last revised July 20, 2022 (Site Plan); and
- Four sheets of plans titled "Caroga Lake Marina – 2279 State Route 10" prepared by Roberts Engineering, PLLC, and dated July 26, 2022 (Engineered Plans).

A reduced-scale copy 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 establishment of any commercial use on Low Intensity lands 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.

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 Fulton 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 commercial use boat-storage facility remains 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. 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 2022-0064, issued September 22, 2022, 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 two-lot subdivision as depicted on the Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require prior written Agency authorization.
6. Within 30 days of conveyance of the 0.575 acres from Lot 1, a new deed shall be filed in the Fulton County Clerk's office describing the 0.575 acres and Lot 2 as a single, un-divided lot.
7. This permit authorizes the construction of a commercial use boat-storage structure in the location shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the commercial use boat storage facility, or construction of any additional structure associated with the commercial use authorized herein shall require prior written Agency authorization.
8. The commercial use boat storage facility shall only operate between 8am and 5pm. Any operation of the commercial use authorized herein before 8am or after 5pm shall require written Agency authorization.
9. The project shall be undertaken in compliance with the Post-Construction Stormwater Management Plan as depicted on the Project Plans.

10. Prior to any ground disturbance, silt fence shall be installed in the locations depicted on the Site Plan and maintained until all disturbed soils are stabilized with native, non-invasive vegetation.
11. 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.
12. All exterior building materials, including roof, siding and trim, of the commercial use boat-storage structure shall be a dark shade of green, grey, or brown.
13. Any new free-standing or building-mounted outdoor lights associated with the commercial use boat storage facility on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward NYS Route 10 or adjoining property.
14. Any signs associated with the commercial use boat storage facility on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
15. Between the top of bank and centerline of creek on Lot 1 as depicted on the Site Plan, no vegetative disturbance shall occur 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.
16. All trees depicted on the Site Plan shall be planted no later than the first spring or fall planting season after operation of the facility begins or final grading related to the construction of the commercial use boat storage structure on the project site. Trees that do not survive shall be replaced annually until established in a healthy growing condition.
17. The undertaking of any activity 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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Caroga;
- b. 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;
- c. 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
- d. 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 22nd day
of September, 2022.


ADIRONDACK PARK AGENCY

BY: 

John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 22nd day of September 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.

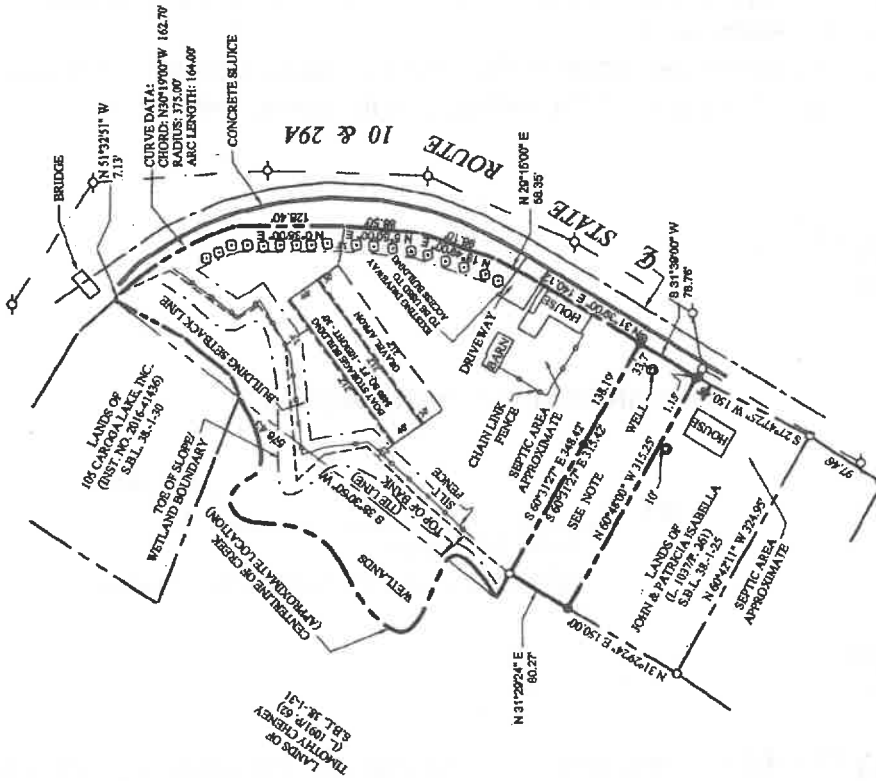

Notary Public

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



LEGEND	
○	IRON PIPE FOUND
●	IRON ROD FOUND
●	IRON ROD SET
—○—	OVERHEAD UTILITY LINE

TOTAL AREA:
4.44 +/- ACRES



SETBACKS FOR HCL ZONE:
FRONT - 30' 38'-4"
SIDE - 20' 35'-4"
REAR - 20' 25'-4"
MIN. LOT AREA 3.5%
1 ACRE MIN. SIZE
100' MIN. FRONTAGE 100'
35' MAX. BUILDING HEIGHT 74'8"
30'-4"

GI-BALSAM FIR TREES TO BE
PLANTED FOR SCREENING - 20'
MINIMUM
SILT FENCE TO BE PLACED ALONG
THE TOP OF BANK DURING
CONSTRUCTION

NO VEGETATIVE DISTURBANCE
WILL OCCUR ON SLOPE BETWEEN
TOP OF BANK AND CREEK BANK
HOWEVER SOME TREE NEAR THE
PROPOSED BUILDING MAY BE
PRUNED

PROPOSED BUILDING COLORS:

WALLS - TAN
ROOF - BROWN
TRIM - BROWN

S.R.L. REFERS TO SECTION-BLOCK-LOT
NUMBER AS FOUND IN FULTON COUNTY REAL
PROPERTY TAX SERVICE

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY
WITH AN ORIGINAL OF THE LAND SURVEYORS
SEAL SHALL BE CONSIDERED TO BE VALID TRUE
COPIES.

UNAUTHORIZED ALTERATION OR ADDITION TO A
SURVEY MAP BEARING A LICENSED LAND
SURVEYOR'S SEAL IS A VIOLATION OF SECTION
720A-3 OF THE NEW YORK STATE EDUCATION LAW.

SURVEY MAP AND BOUNDARY LINE ADJUSTMENT
FOR LANDS OF

**CAROL & KARL
MANAGEMENT, LLC**

(INST. NO. 2021-4887)
S.B.L. 38-1-28

TOWN OF CAROGA
COUNTY OF FULTON
STATE OF NEW YORK

SCALE: 1" = 100'
OCTOBER 15, 2021
REVISED: MARCH 16, 2022
REVISED: APRIL 25, 2022
REVISED: MAY 23, 2022
REVISED: JULY 20, 2022

RECEIVED
ADIRONDACK PARK AGENCY
AUG 4 2022



FERGUSON & FOSS
PROFESSIONAL LAND SURVEYORS, P.C.
FULTON COUNTY, NEW YORK
EMAIL: CFF@FERGUSONANDFOSS.COM