

NEW YORK STATE
Adirondack
parkagency

P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050

APA Project Permit
P2005-205

Date Issued: March 22, 2010

In the Matter of the Application of

TIMOTHY P. JONES

for a permit pursuant to 9 NYCRR Parts 578 and 577

To the County Clerk: This permit must be recorded on or before **May 21, 2010**. Please index this permit in the grantor index under the following names:
1. Timothy P. Jones

SUMMARY AND AUTHORIZATION

Timothy P. Jones is granted an after-the-fact permit, on conditions, authorizing a seasonal recreational cabin and boardwalk in an area classified Low Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Tupper Lake, Franklin County.

This after-the-fact project shall not be deemed lawful until this permit is recorded in the Franklin County Clerk's Office. This permit shall expire unless so recorded on or before May 21, 2010 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.

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.

AGENCY JURISDICTION

The project consists of regulated activities requiring a wetlands permit pursuant to Executive Law §810(1)(c)(1)(b) 9 NYCRR Sections 578.2 and 578.3(n)(1)(iv) and also requires a permit under the Wild, Scenic and Recreational Rivers Act (Rivers Act) pursuant to 9 NYCRR § 577.5(c)(1).

COPY FILED
APR - 6 2010
ORIGINAL
WAS FILED OR
RECORDED

FRANKLIN COUNTY
CLERK'S OFFICE

PROJECT SITE

The project site is an approximately 0.88 acre parcel of land located on River Road in the Town of Tupper Lake, Franklin County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. It is identified on the Town of Tupper Lake Tax Map as Section 491.4, Block 2, Parcel 7 ("Parcel 7"). The project site is described in a deed from Wilfred and Malvina Madore to Timothy P. Jones dated August 1, 1978 which was recorded August 2, 1978 in the Franklin County Clerk's Office in Liber 488 of Deeds at Page 686.

PROJECT DESCRIPTION AS UNDERTAKEN

The project as proposed is summarized as follows: After-the-fact approval of an approximate interior dimension of 18' x 26' or approximately 470 square feet interior with covered exterior area of 6' x 26' in accordance with dimensions set forth in the August 9, 1991 Building Permit and application with plans indexed hereto and marked Exhibit "A" and as depicted in photographs annexed hereto and marked Exhibit "B" square foot seasonal recreational cabin that is XX feet in height, with no on-site wastewater discharge, and an approximately 93 feet long by 3 feet wide, wooden boardwalk in wetlands on a lot in a pre-existing subdivision. The approximate location of the structures on Parcel 7 is shown on a 2003 air photo attached as a part of this permit for easy reference.

CONDITIONS

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

1. The project shall be continued as described in the Project Description as Undertaken 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(s), all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this permit shall be furnished by the applicant to all subsequent owners or lessees of the project site prior to sale or lease, and by the applicant or any subsequent owner or lessee undertaking construction to any contractors undertaking any portion of this project. 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 P2005-205 issued March 22, 2010, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Projected Remaining Building Density

3. Only one principal building shall be allowed on Parcel 7.

Building Location and Size

4. This permit authorizes, after-the-fact, the 1991-1992 construction of a seasonal recreational cabin in wetlands in the location shown on the 2003 air photo attached hereto. The authorized one-story cabin shall not exceed its existing footprint of approximately 26' x 26' with overhangs as detailed on page 2, above, square feet or its existing height of ___ feet, inclusive of decks and porches, without an amended or new Agency permit and/or Agency variance.

Accessory Uses and Structures

5. This permit also authorizes, after-the-fact, the (original constructed in or before the 1950's) construction of a 93-foot long boardwalk in wetlands on Parcel 7. The authorized boardwalk is 3 feet wide and supported approximately 3 feet above the wetland on posts in the wetland. For safety purposes, there are hand rails on both sides of the boardwalk.

Cabin and Boardwalk Color

6. With respect to any future painting or staining of the cabin or boardwalk, all exterior surfaces shall be of a color which blends with the existing vegetation. The Agency will, upon request, advise whether any particular proposal complies with this condition.

Outdoor Lighting

7. Any new free-standing and building mounted outdoor lights shall employ full cut-off fixtures, and 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 the river or adjoining property. The intent is to reduce nighttime light pollution (glare, light trespass and sky glow).

Wetlands

8. Beyond that authorized herein, 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

9. There shall be no on-site wastewater discharge. All wastewater generated on Parcel 7 shall be contained and transported off-site for lawful disposal.

Wild, Scenic and Recreational Rivers Special Provisions

10. Inside and within 100 feet of the mean high water mark of the Raquette River, no trees or other vegetation shall be harvested, cut, culled, removed, thinned or otherwise disturbed without prior Agency review and approval.

Shoreline Setbacks

11. Under the Rivers Act, all new buildings, decks and other structures (except for fences, poles, lean-tos, docks, boathouses, bridges, and stream improvement structures for fishery management purposes, or any new structure authorized by Agency variance) shall be set back a minimum of 150 feet from the mean high water mark of the Raquette River. Under the APA Act, any new structure over 100 square feet in size must be set back a minimum of 75 feet from the mean high water mark of the Raquette River.

Agency Review of Future Subdivision and Development

12. There shall be no further subdivision or new land use and development on Parcel 7, including but not limited to the expansion of the seasonal recreational cabin (either horizontally or vertically), the constructions of any accessory structures, the extension or widening of the existing boardwalk, or the installation of an on-site wastewater treatment system of any kind without a new or amended Agency permit and/or Agency variance. Upon reasonable prior notice, the permit holder shall grant Agency staff access to Parcel 7 in connection with the review of any subdivision or new land use or development proposed on Parcel 7.

FINDINGS OF FACT

Background/Prior History

1. Parcel 7 has been deemed to be a lot in a "pre-existing subdivision" as that term is defined in Executive Law § 802(49), It was conveyed by Wilfred and Melvina Madore to Timothy Jones by deed dated August 1, 1978, recorded in Liber 488 of Deeds, Page 686.
2. The seasonal recreational cabin and boardwalk were placed in wetlands without an Agency permit, resulting in enforcement action that led to a court-ordered requirement that an after-the-fact permit application be submitted to the Agency for approval of a single family dwelling on Parcel 7. By Stipulation and Order (Index No. 97-60; RJI No. 16-1-0041) dated March 3, 2010, the required permit application was modified and supplemented to propose the project as described herein. The Stipulation and Order was signed by Honorable David Demarest, Justice, New York State Supreme Court, and is filed in the Franklin County Clerk's Office.

PROJECT IMPACTS

Wetlands

3. The wetlands on the property have not been formally delineated or value-rated, however, review of air photos of Parcel 7 reveals that almost all of Parcel 7 appears to be comprised of shrub-swamp wetlands, including in the location of the recreational seasonal cabin and the boardwalk. Furthermore, APA staff observations from the road and review of photographs taken from the road indicate the presence of wetland vegetation underneath the cabin.
4. This proposed project does not involve a substantial loss of wetland acreage, function or benefits derived therefrom.

Navigable Shorelines

5. Parcel 7 has approximately 170 feet of frontage on the Raquette River, a designated recreational river. Parcel 7 ranges in depth from approximately 200 feet to approximately 215 feet from navigable channel of the river. The mean high water mark (MHWM) of the Raquette River has not been established on Parcel 7, but it is clear that, at a minimum, approximately 75% of Parcel 7 lies within the 150-foot regulatory structure setback from the MHWM of the Raquette River.

Open Space/Aesthetics

6. The visibility of existing or future development on Parcel 7 from the Raquette River is a legitimate potential impact. Ensuring that development blends in with surrounding vegetation and maintaining existing vegetation will limit such impacts.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval as set forth in Environmental Conservation Law § 24-0801(2) (Freshwater Wetlands Act), Environmental Conservation Law § 15-2709 (Wild, Scenic and Recreational Rivers Act), 9 NYCRR § 578.10 and 9 NYCRR § 577.4. 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 22 day
of March, 2010

ADIRONDACK PARK AGENCY

BY: Holly E. Kneeshaw
Holly E. Kneeshaw, Acting Deputy Director
(Regulatory Programs)

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

On the 22 day of March in the year 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Holly E. Kneeshaw, 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 she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Mary L. Reardon
Notary Public
MARY L. REARDON
Notary Public - State of New York
Qualified in Franklin County
No. 01RE6114798
Commission Expires, August 23, 2012

HEK:PVC:JSB:mlr

REPUBLIC OF THE STATE OF NEW YORK
BUILDING PERMIT WITH APPLICATION
NYS Department of State
(A500-A508) Codes Division

A500

THE TOWN OF ALTAMONT
THE VILLAGE OF TUPPER LAKE



NUMBER: 707

DATE: 9 August 1991

This notice, which must be prominently displayed on the property or premises to which it pertains, indicates that a

BUILDING PERMIT

has been issued to Tim Jones

permitting the construction of a single family residence

at Dural River Road Tax Map No. 491.4-2-7

All work shall be executed in strict compliance with the permit application, approved plans, the Uniform Fire Prevention and Building Code, and all other laws, rules and regulations which apply. The building permit does not constitute authority to build in violation of any federal, state or local law or other rule or regulation.

DO NOT PROCEED BEYOND THESE POINTS UNTIL COUNTERSIGNED BELOW BY THE INSPECTOR.

- Footing before pouring concrete _____
- Framing before enclosing..... _____
- Plumbing before enclosing..... _____
- Insulation inspection..... _____
- Foundation before backfill..... _____
- Electrical before enclosing.... _____
- Heating, Ventilation, Air Conditioning before enclosing.. _____
- Final Inspection..... _____

Permission is hereby granted to proceed with the work as set forth in the specifications, plans or statements now on file in this Department. Any amendments made to the original plans and specifications must first be submitted for approval.

James Radimer
Richard Garrelts
NYS Code Enforcement Officers

Issuing Officer
Department of State
Codes Division

Permit Fee \$77.50

\$77.50 A501

TOWN OF ALTAMONT

AND

VILLAGE OF TUPPER LAKE

53 PARK STREET
TUPPER LAKE, NY 12986

518-359-3580
518-359-2159

APPLICATION FOR

BUILDING AND ZONING PERMIT

TO BE COMPLETED BY BUILDING DEPT.

PERMIT NO. 707

PERMIT ISSUED 9 Aug. '91

ZONING DESIGNATION SR3

VARIANCE NO. _____

APPROVED BY:
R. Farrell

A PERMIT MUST BE OBTAINED BEFORE BEGINNING CONSTRUCTION. PLEASE ANSWER ALL OF THE FOLLOWING.

The undersigned hereby applies for a Building Permit to do the following work which will be done in accordance with the description, plans, and specifications submitted, and such special conditions as may be indicated on the Permit.

The owner of this property is; Timothy P. Jones
P.O. Address CENTRAL SQ., NY 13036 Tele. 315-668-8860
Property location RIVER ROAD TUPPER LAKE NY Tax Map No. 1 1
Subdivision name (if applicable) _____
Street number or building lot number

THE PERSON RESPONSIBLE FOR SUPERVISION OF WORK AS REGARDS BUILDING CODES IS:

Name	P.O. Address	Tele. No.
<u>SELF</u>		
Name of builder	Address	Tele. No.
Name of plumber	Address	Tele. No.
Name of mason	Address	Tele. No.

NATURE OF PROPOSED WORK:

- Construction of a new building
- Addition to a new building
- Alteration to a building (no change to exterior dimensions)
- Other work (describe) _____

FOR DEMOLITION PERMIT, STATE SIZE AND LOCATION OF STRUCTURES AFFECTED.

PROPOSED BUILDING AND USE:

- Size of new structure 24 ft. X 24 ft.
- Foundation - (pier) slab/crawl/full/partial (circle one)
- No. of stories (habitable space) 1
- Height (grade to ridge) APPROX. 16 ft.
- If residential, no. of families 1
- No. of rooms (excluding baths) 2
- No. of Bedrooms 1
- No. of Bathrooms 1
- Primary heating system FORCED AIR
- Type of fuel Kero
- No. of fireplaces 0
- Will a woodstove be installed YES
- Central air conditioning NO

BUILDING STYLE, PRIMARY STRUCTURE

Ranch Contemporary Log Cabin
 Raised Porch Mansard Duplex
 Split Level Old style Burglar
 Colonial New Barn House
 Cape Cod Cottage Other
 (circle one please)

ACCESSORY BUILDING

Attached garage/one car/two car/ car
 Attached garage/one car/two car/ car
 Private storage building
 Other

ZONING INFORMATION

A PLOT PLAN MUST BE PREPARED AND SUBMITTED -

Draw reasonably to scale and attached hereto, showing clearly and distinctly all buildings, whether existing or proposed and indicate all set-back dimensions from property lines. Give street and number or lot number and indicate whether interior or corner lot. Show location of water supply and location and configuration of septic disposal area.

ESTIMATED MARKET VALUE OF CONSTRUCTION

\$ 77,500

OCCUPANCY INFORMATION

PRIMARY BUILDING

One family dwelling
 Two family dwelling
 Multiple dwelling / Number of units _____
 Permanent occupancy
 Transient occupancy
 Business
 Industrial
 Other

If existing, what will use be: _____

COMPLETE INFORMATION REQUIRED BELOW

Size of property 200 ft. x 200 ft.
 Existing building(s) Size _____ ft. x _____ ft.
 Existing building(s) use _____

Proposed building, distance from property line
 Front yard 50 ft. Rear yard 126 ft.
 Side yard 50 ft. and 126 ft.
 If on corner, setback from side st. _____ ft.

BUILDING SPECIFICATIONS:

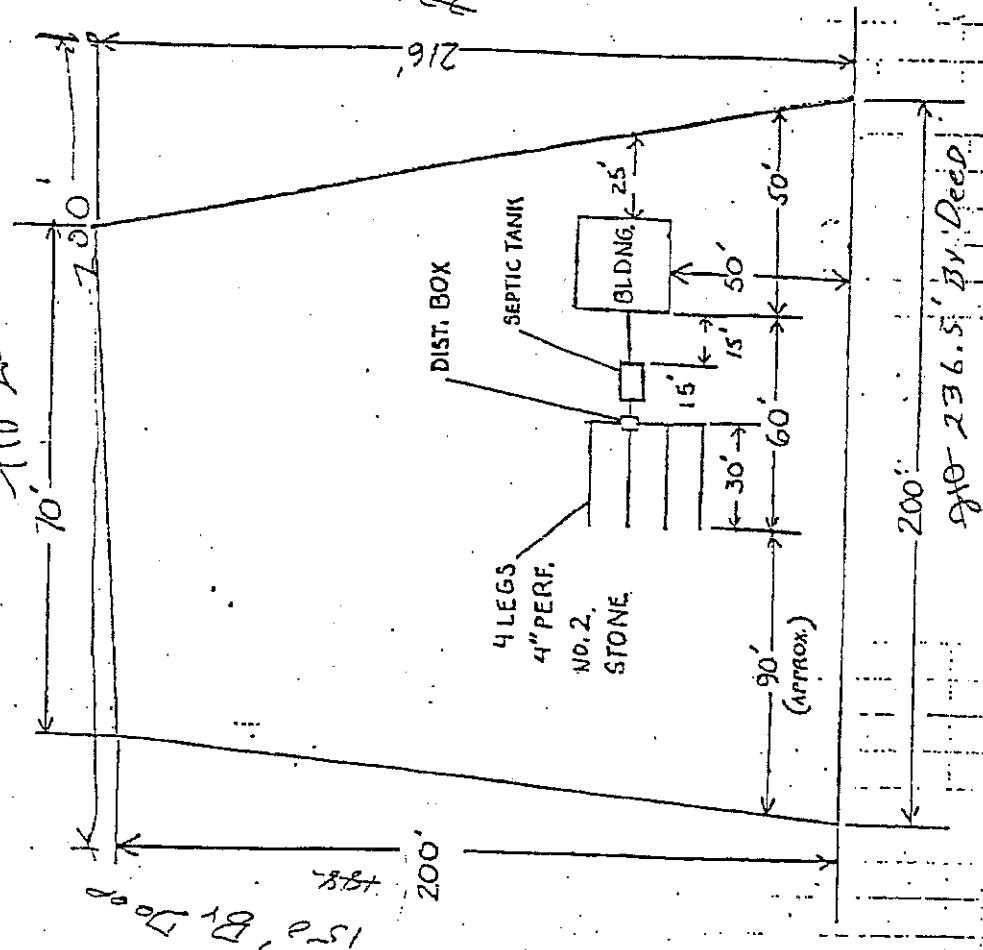
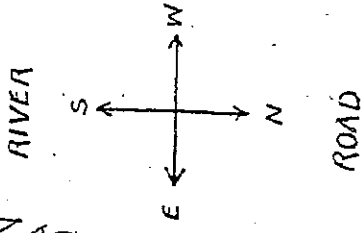
Type of construction, wood frame, fire safe, etc.
 Will any second-hand or ungraded lumber be used? If so, for what? _____

Foundation wall material CONCRETE Thickness 16" x 16" Piers
 Depth of foundation below grade (to bottom of footing) 4'
 Will there be a cellar? NO Heated or unheated _____ Floor sq. footage _____ sq. ft.
 Will there be a basement? NO Will any portion be used as living space? NO
 (if so, what portion? _____ sq. ft.) Type of use? _____
 Type of roof - sloped/flat/shed/other GABLE Material of roof METAL
 Size, wood studs _____" x _____" spacing _____" o.c. length _____ ft.
 Joists (floor beams) 1st. floor _____" x _____" spacing _____" o.c. span _____ ft.
 Joists (floor beams) 2nd. floor _____" x _____" spacing _____" o.c. span _____ ft.
 Overlaid (ceiling beams) _____" x _____" spacing _____" o.c. span _____ ft.
 Roof rafters _____" x _____" spacing _____" o.c. span _____ ft.
 Roof trusses (pre-engineered) spacing _____" o.c. span _____ ft.

SPECIFY PROVISIONS TO MEET THE NYS ENERGY CONSERVATION CONSTRUCTION CODE

Exterior wall finish: _____ Of what material: _____
 Interior wall finish: 1/2" SHEET ROCK
 Wall Insulation: FIBER GLASS Ceiling Insulation: FIBER GLASS
 Foundation Insulation: _____ Perimeter Insulation: _____
 Type of Exterior Doors: 36" CORE BULK Type of Windows: DOUBLE HUNG 2X2
6' SLIDING GLASS

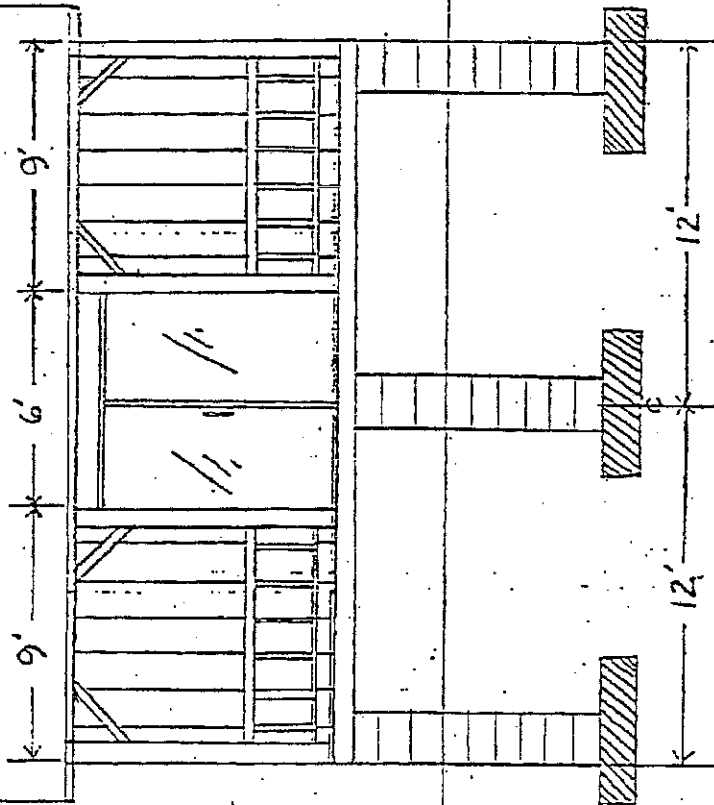
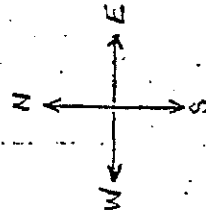
A504



SCHNEIDER
PACKAGING EQUIPMENT CO., INC.
 150 W. 42ND ST. - BOX 66 - BRONX, N.Y. 10436



SCHNEIDER
PACKAGING EQUIPMENT CO., INC.

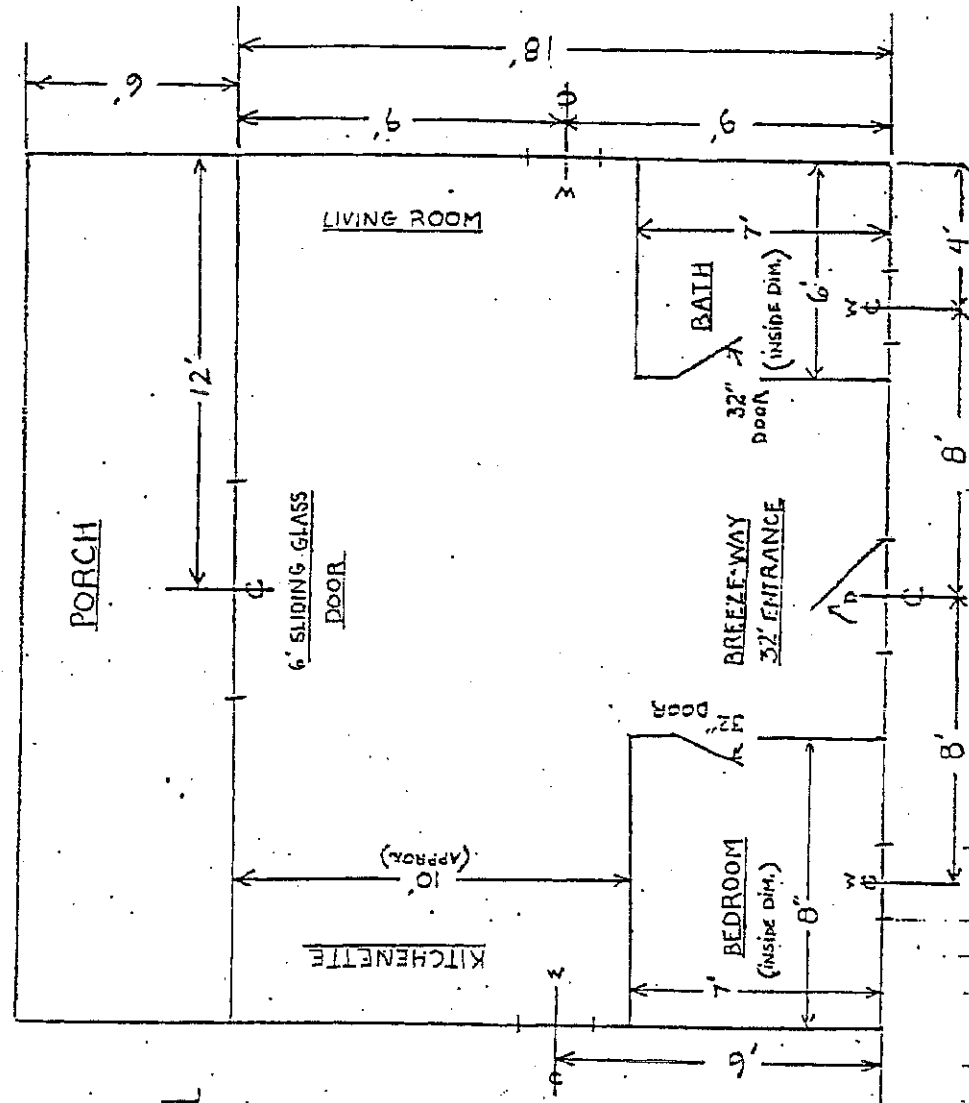


REAR VIEW
(FROM RIVER)

A506



SCHNEIDER
PACKAGING EQUIPMENT CO., INC.

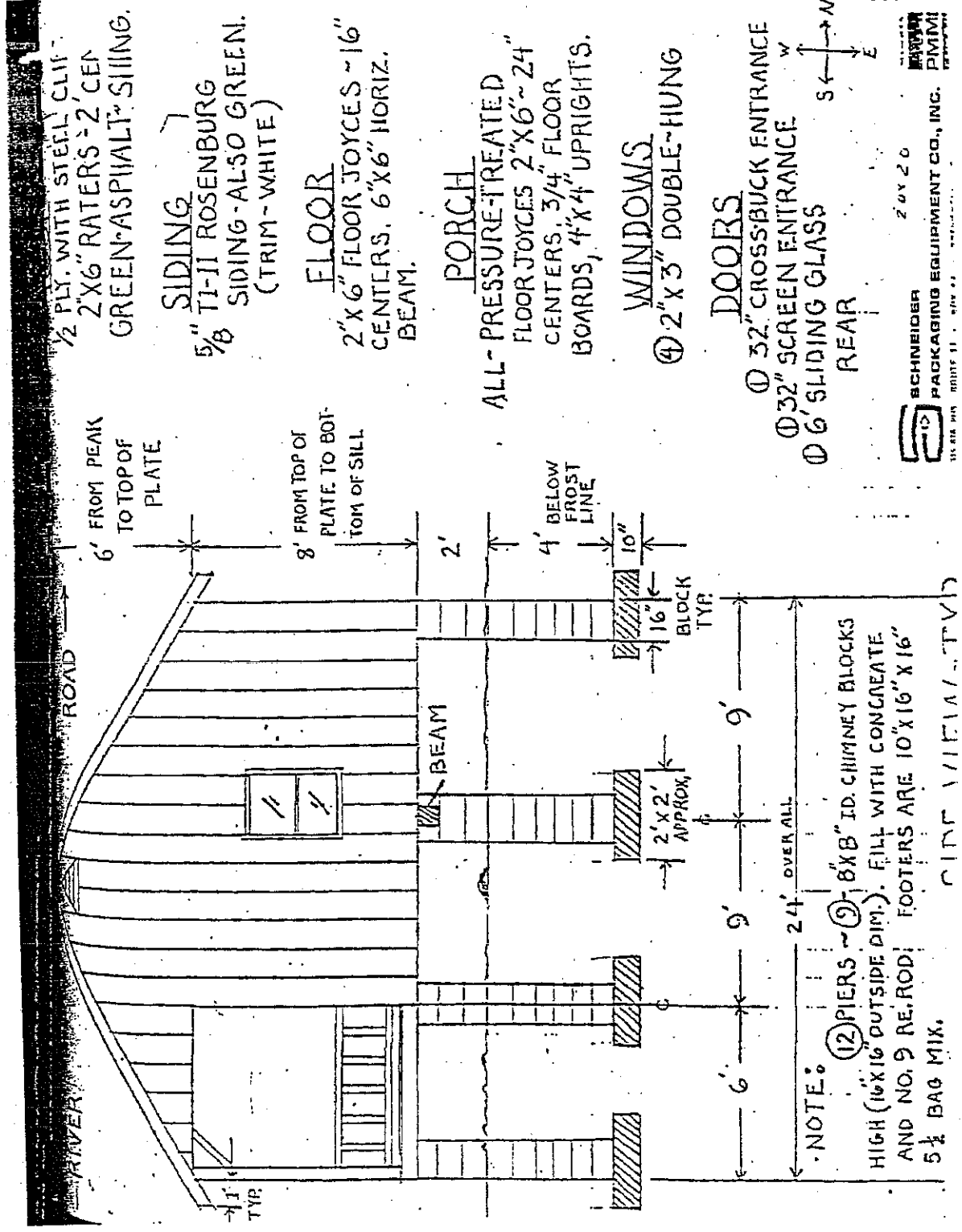


RIVER ROAD

LOT NO. 7

FLOOR PLAN

SCALE: 1/4" = 1 FOOT



1/2 PLY. WITH STEEL CLIP
 2" X 6" RATERS ~ 2' CEP
 GREEN ASPHALT ~ SLING.

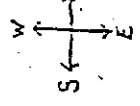
SIDING
 5/8" T1-11 ROSENBERG
 SIDING - ALSO GREEN.
 (TRIM - WHITE)

FLOOR
 2" X 6" FLOOR JOYCES ~ 16"
 CENTERS. 6" X 6" HORIZ.
 BEAM.

PORCH
 ALL - PRESSURE-TREATED
 FLOOR JOYCES 2" X 6" ~ 24"
 CENTERS. 3/4" FLOOR
 BOARDS. 4" X 4" UPRIGHTS.

WINDOWS
 (4) 2" X 3" DOUBLE-HUNG

DOORS
 (1) 32" CROSS-BUCK ENTRANCE
 (1) 32" SCREEN ENTRANCE
 (1) 6' SLIDING GLASS
 REAR

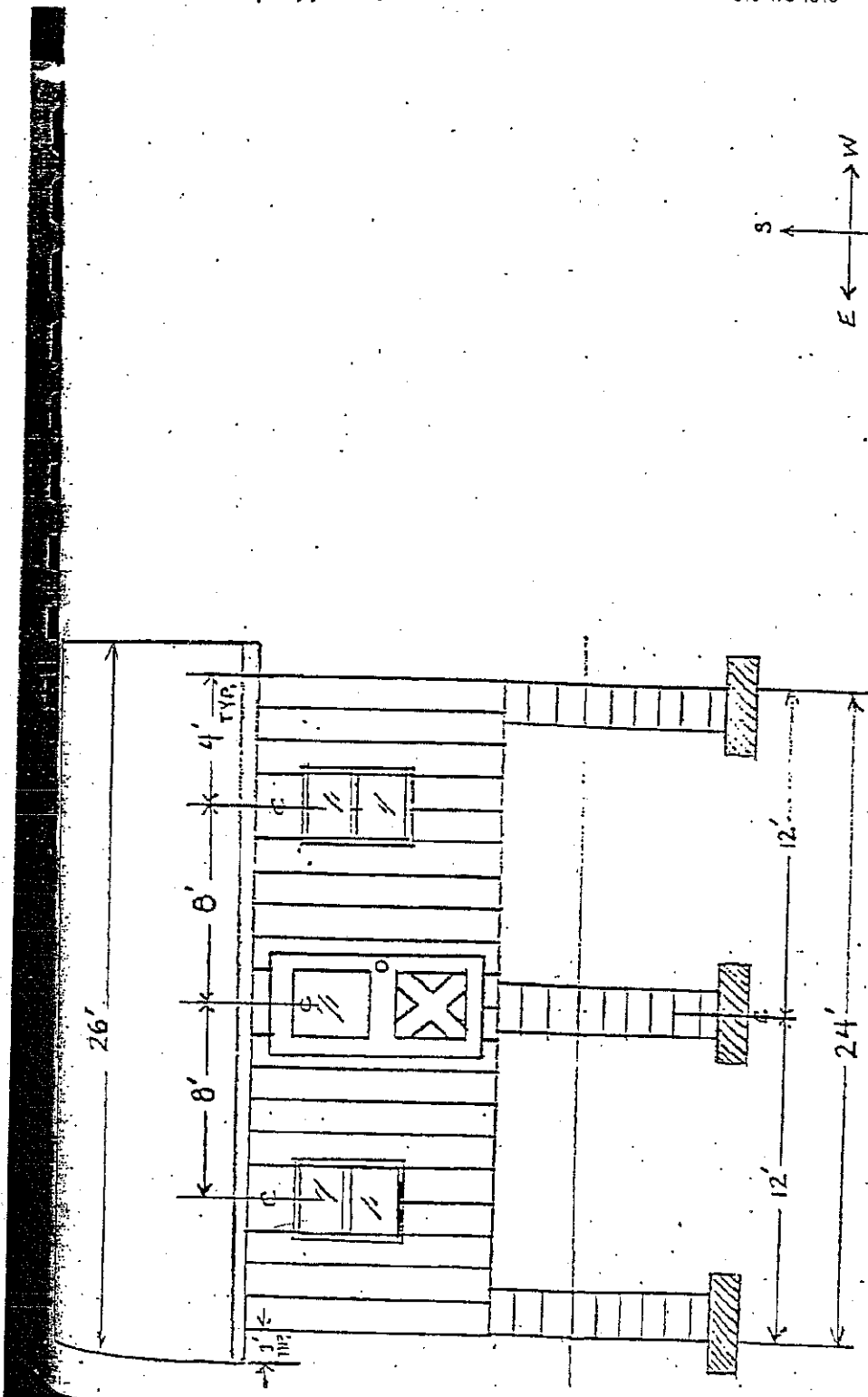
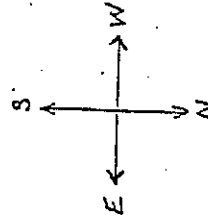


BCHNEIDER
 20Y 20
 PACKAGING EQUIPMENT CO., INC.
 115 1/2 W. BENTLEY ST. WYOMING

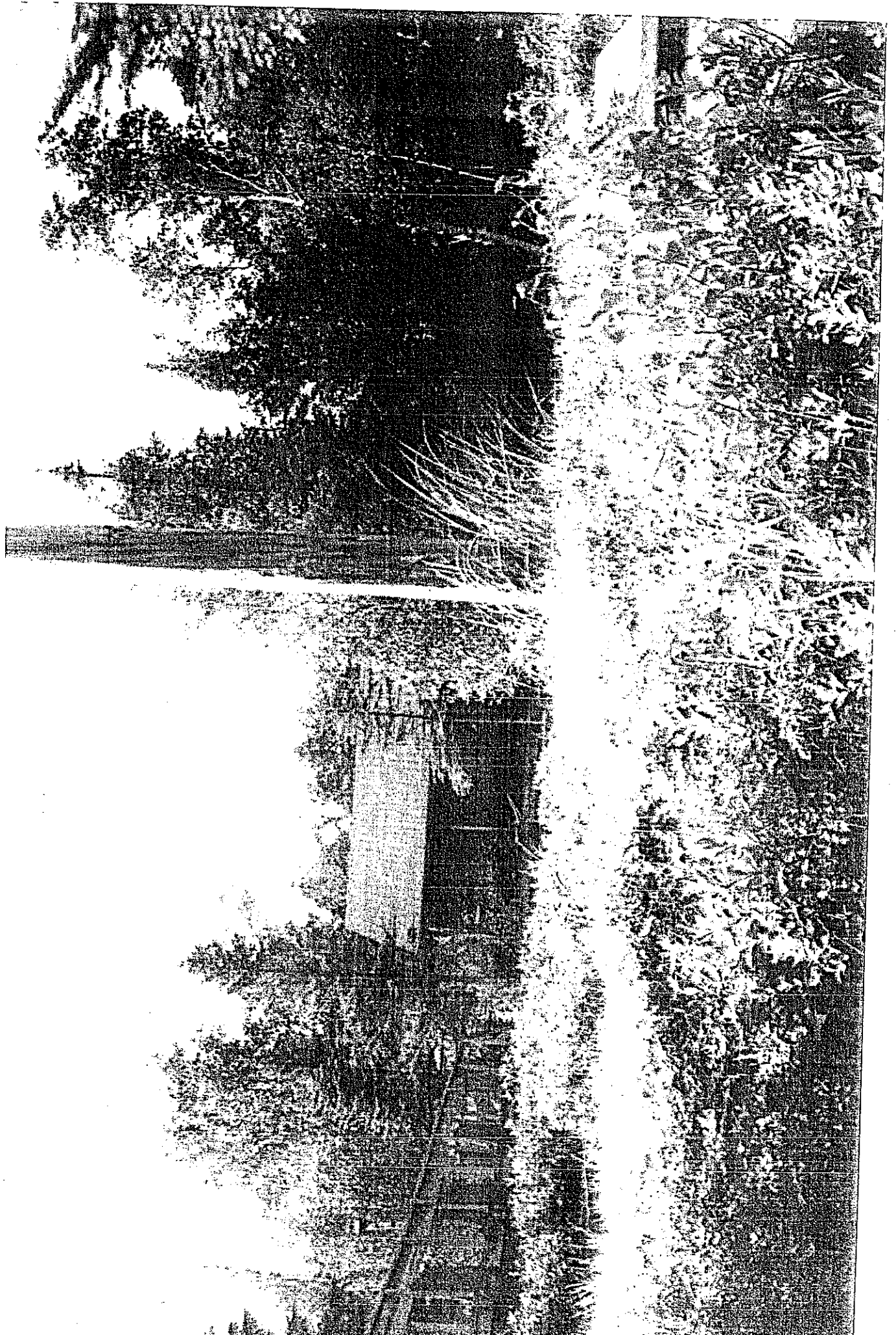
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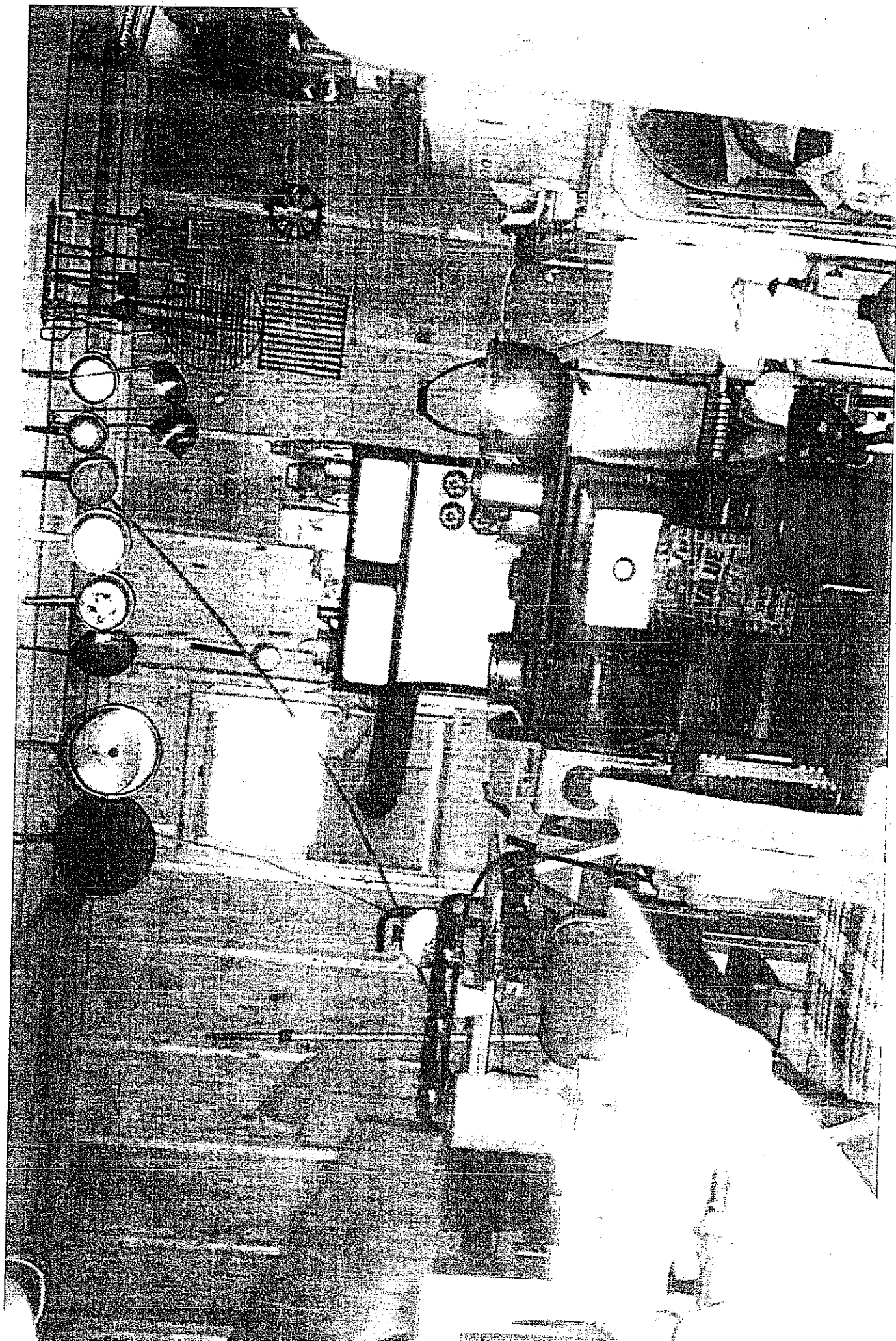


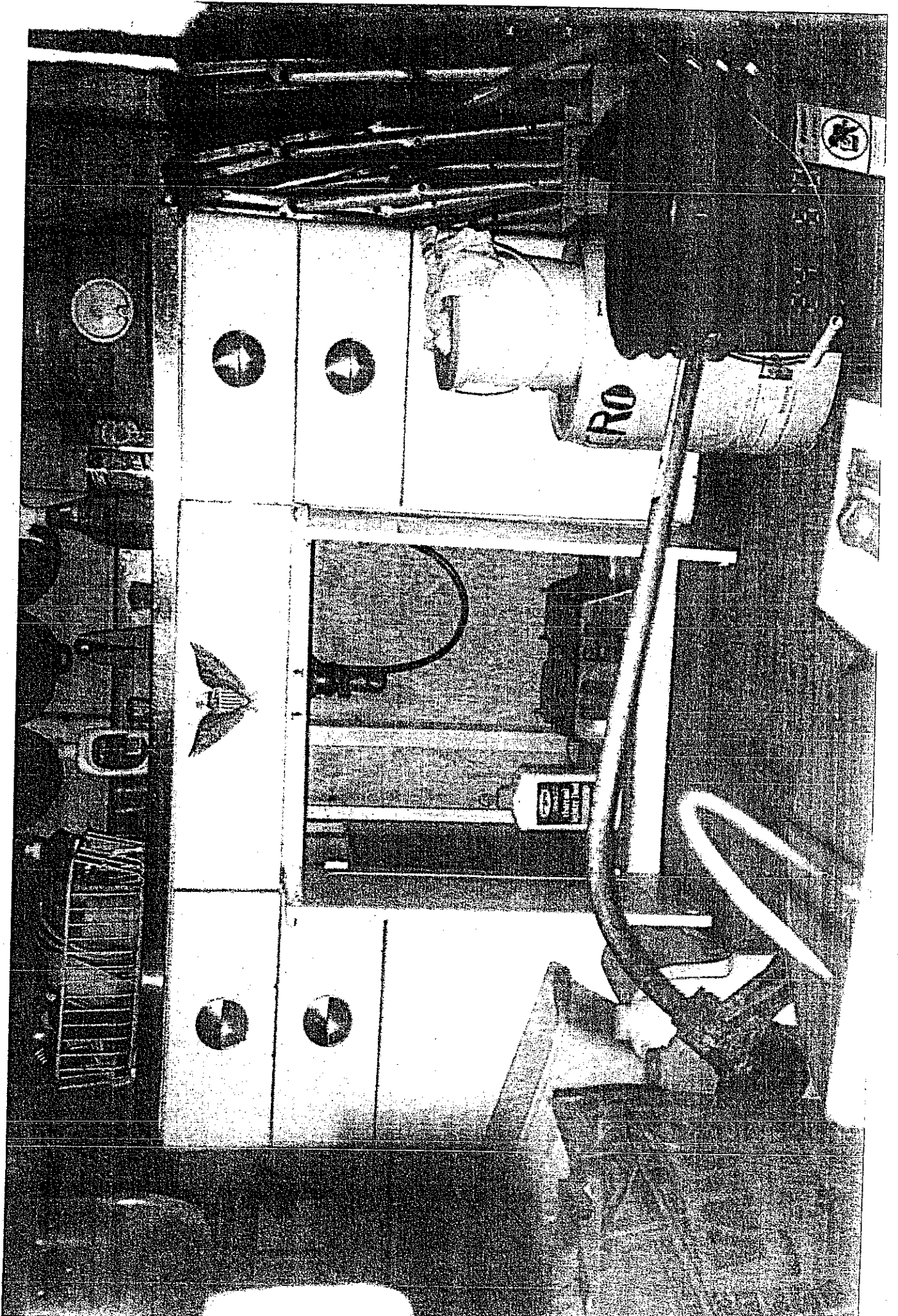
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318 819 208 A0472 11 804 PA. ESTABLISHED NEW YORK 12019

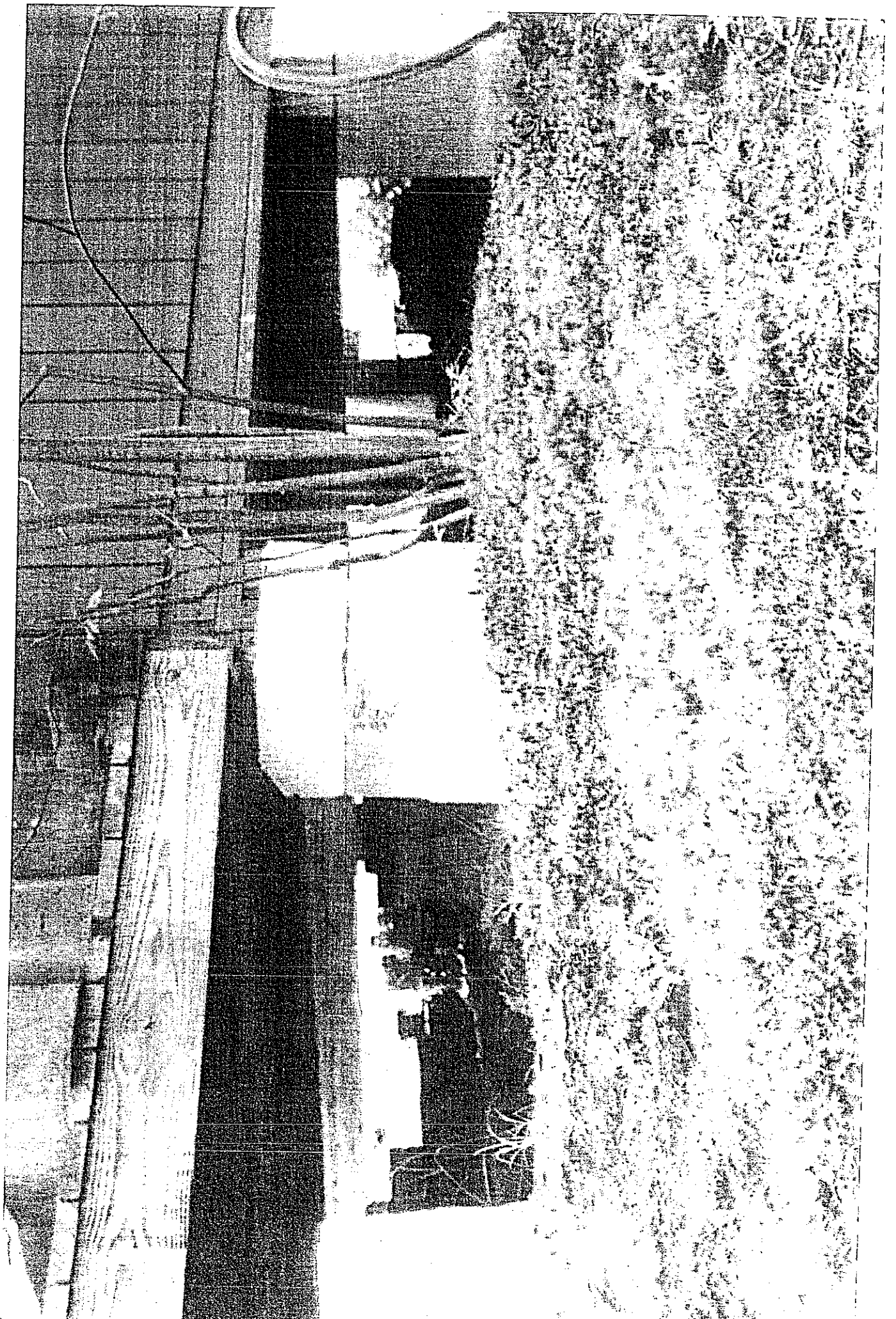


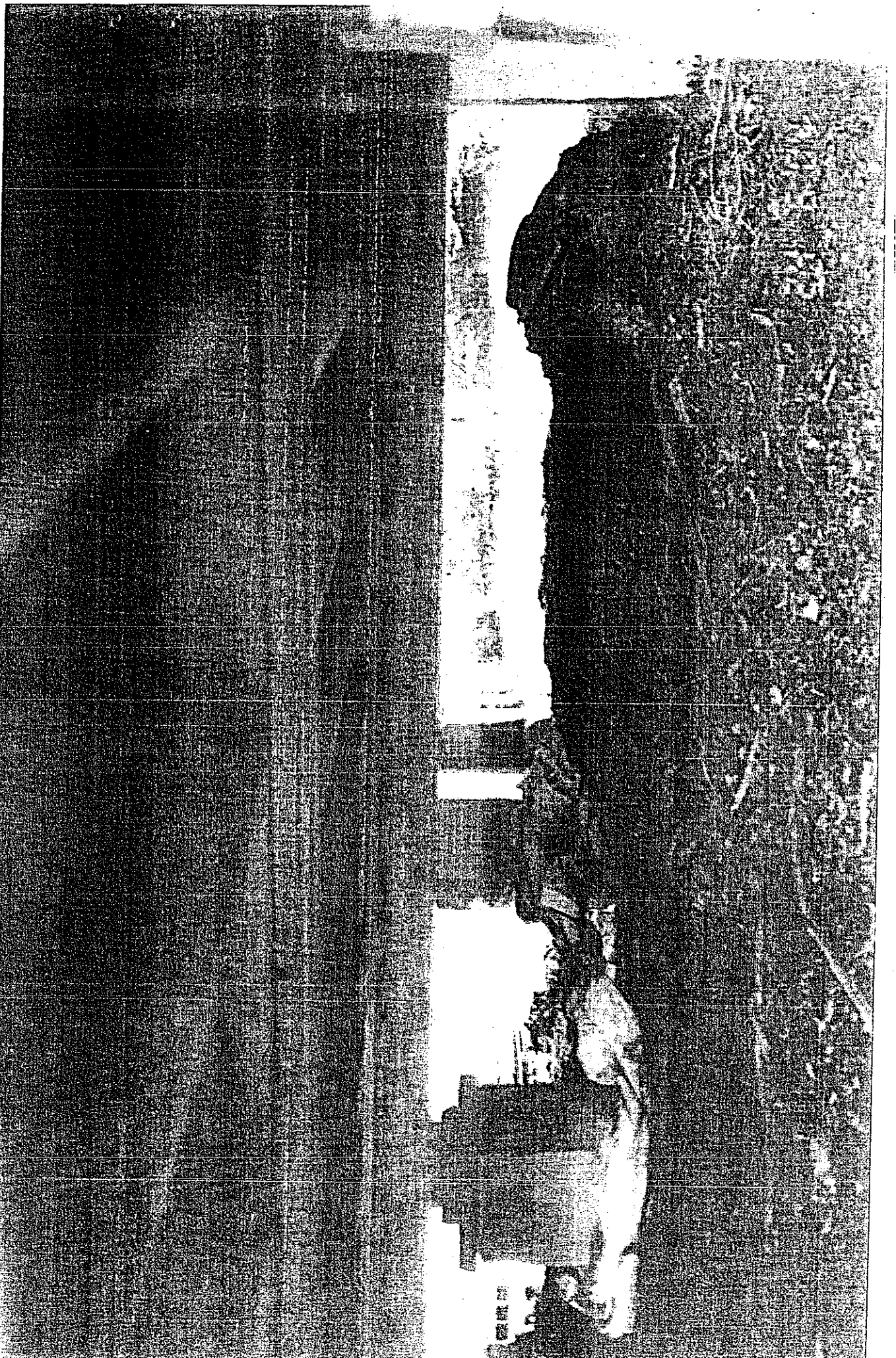
FRONT VIEW
(FROM ROAD)

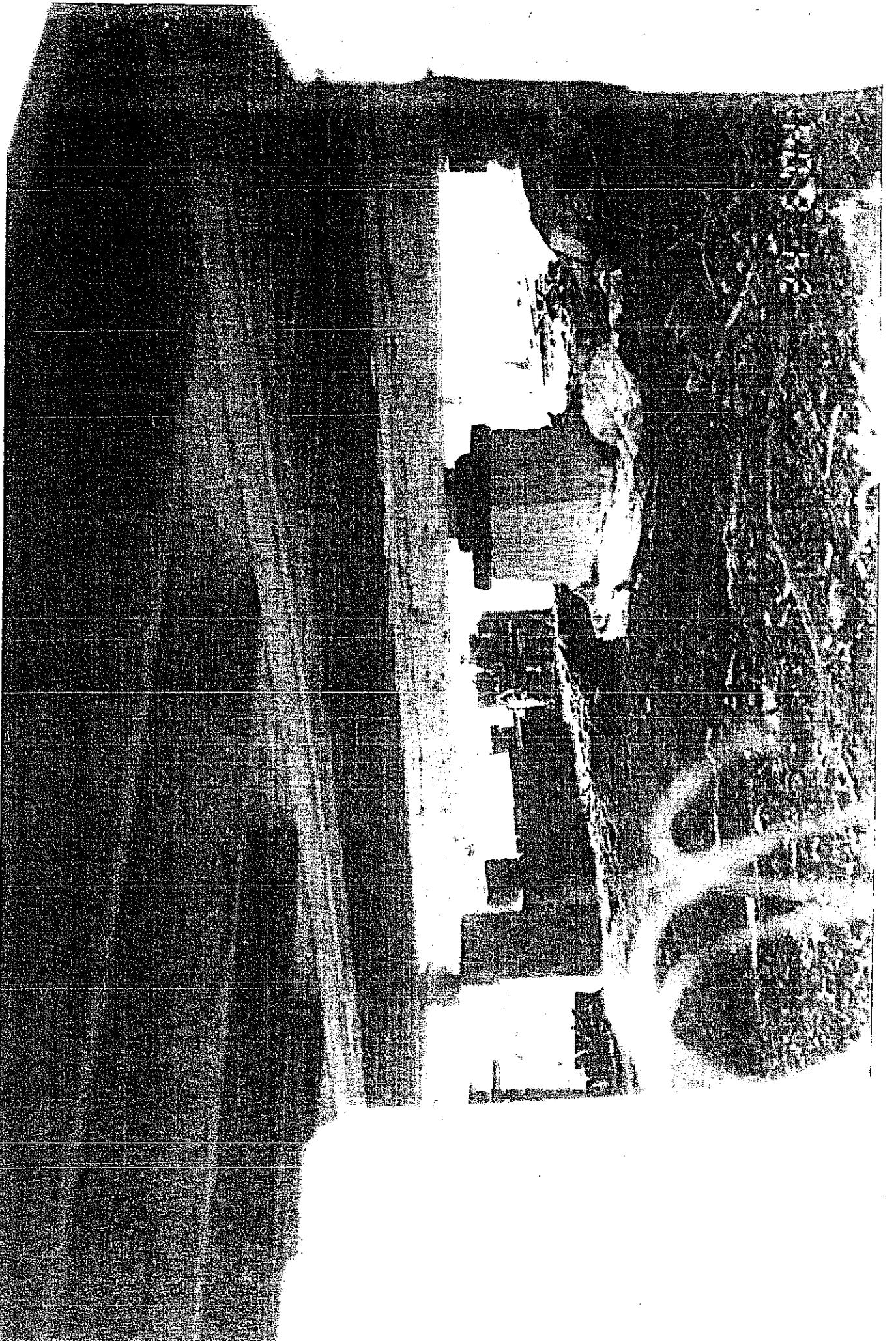


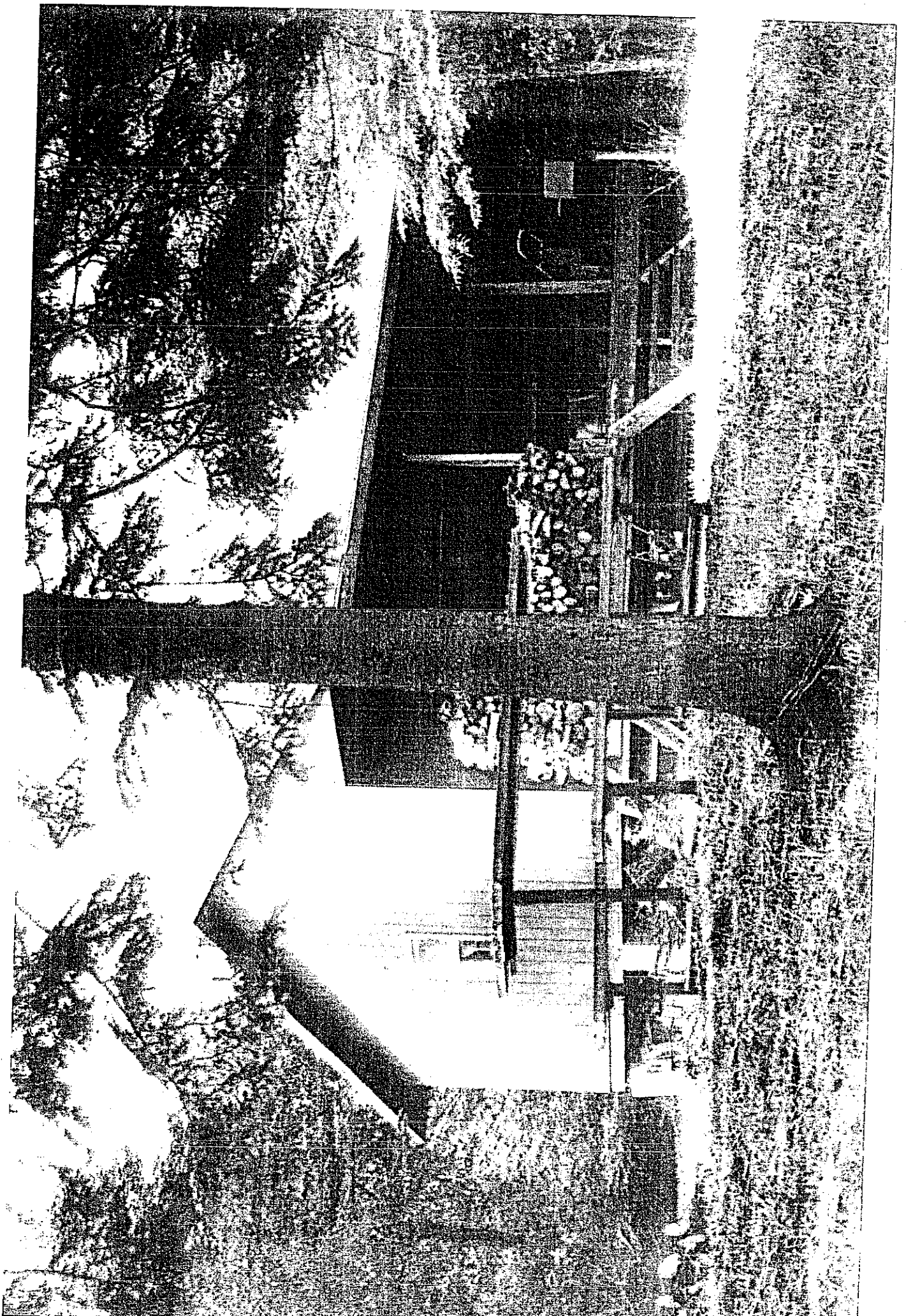


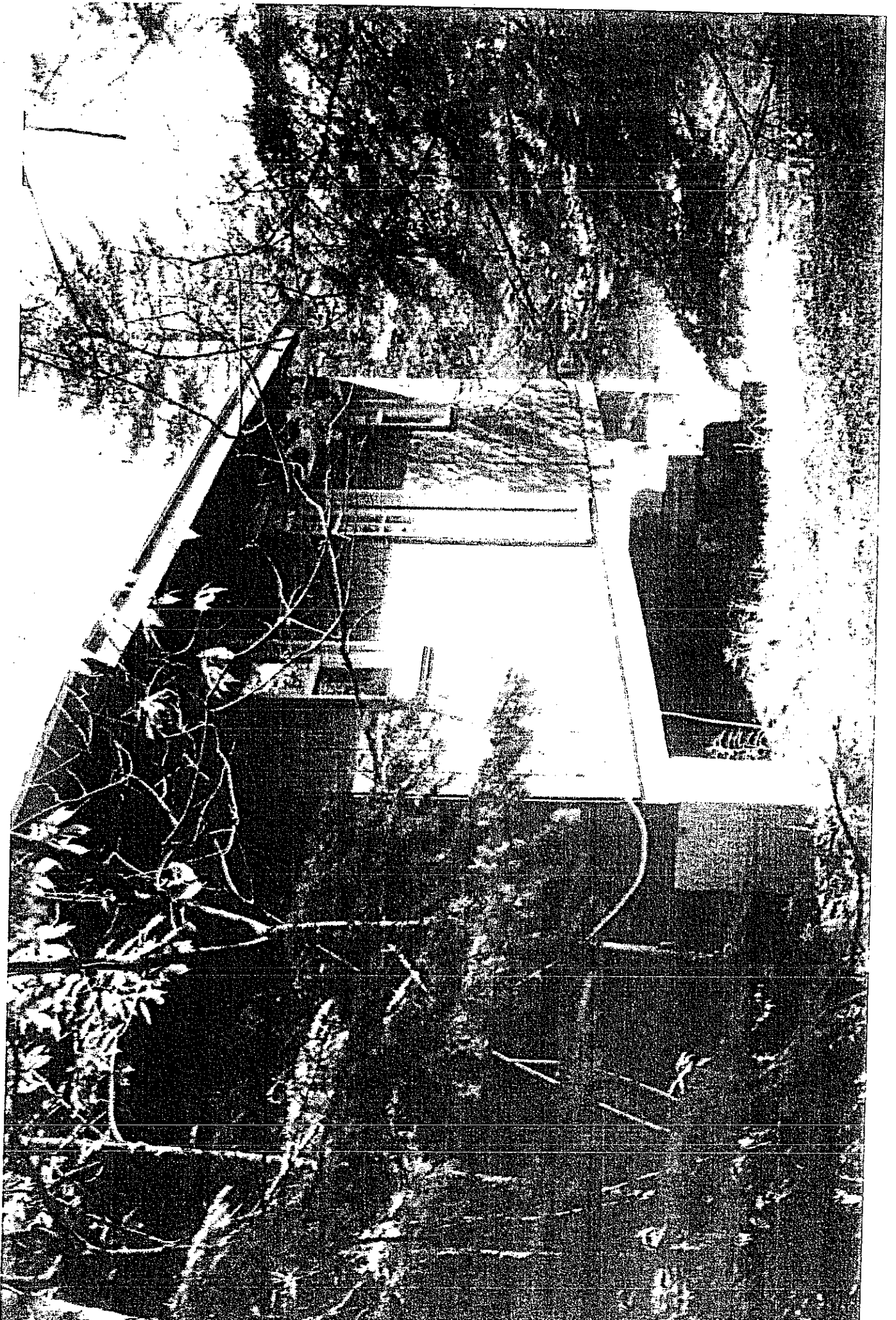


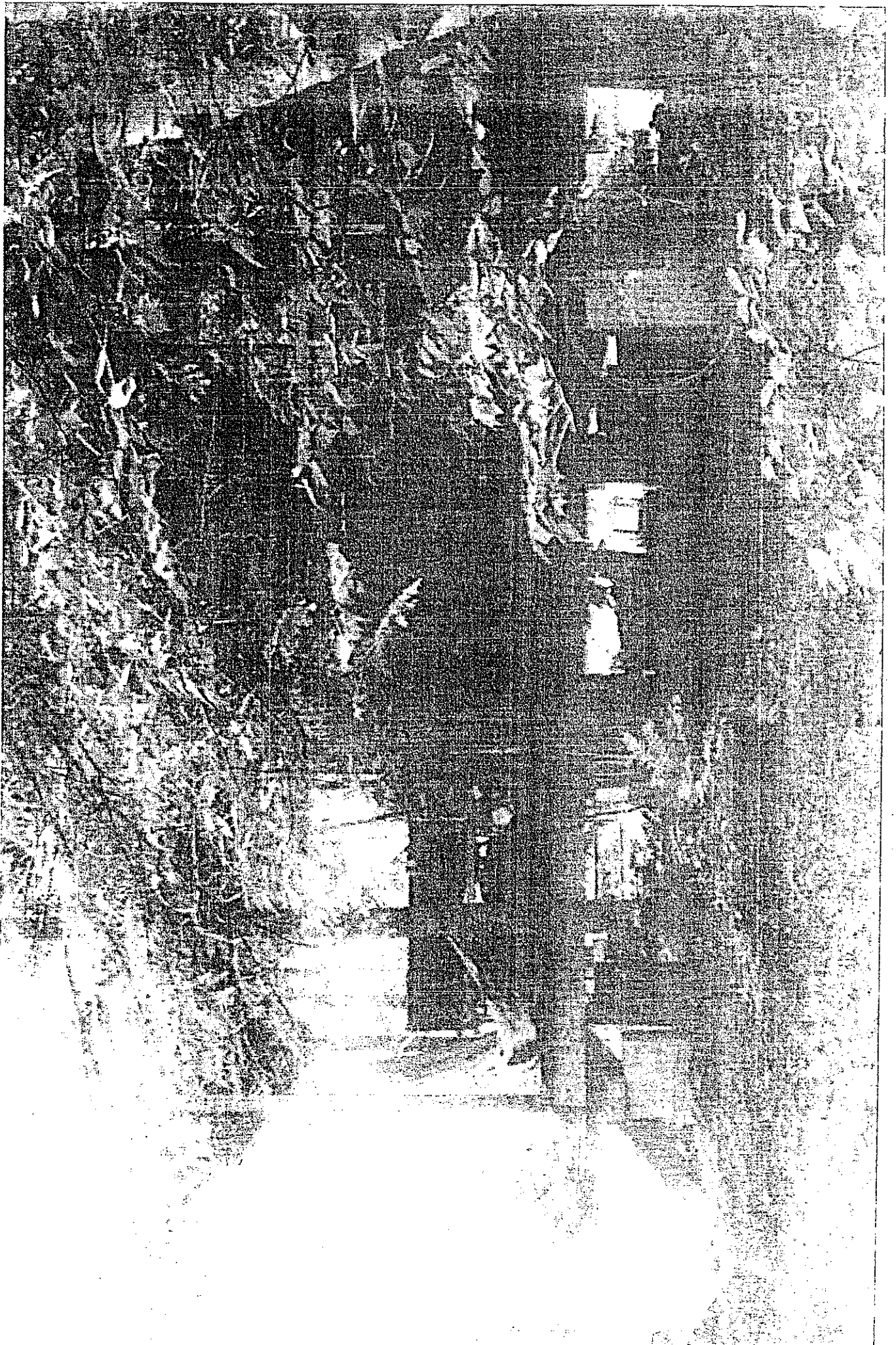


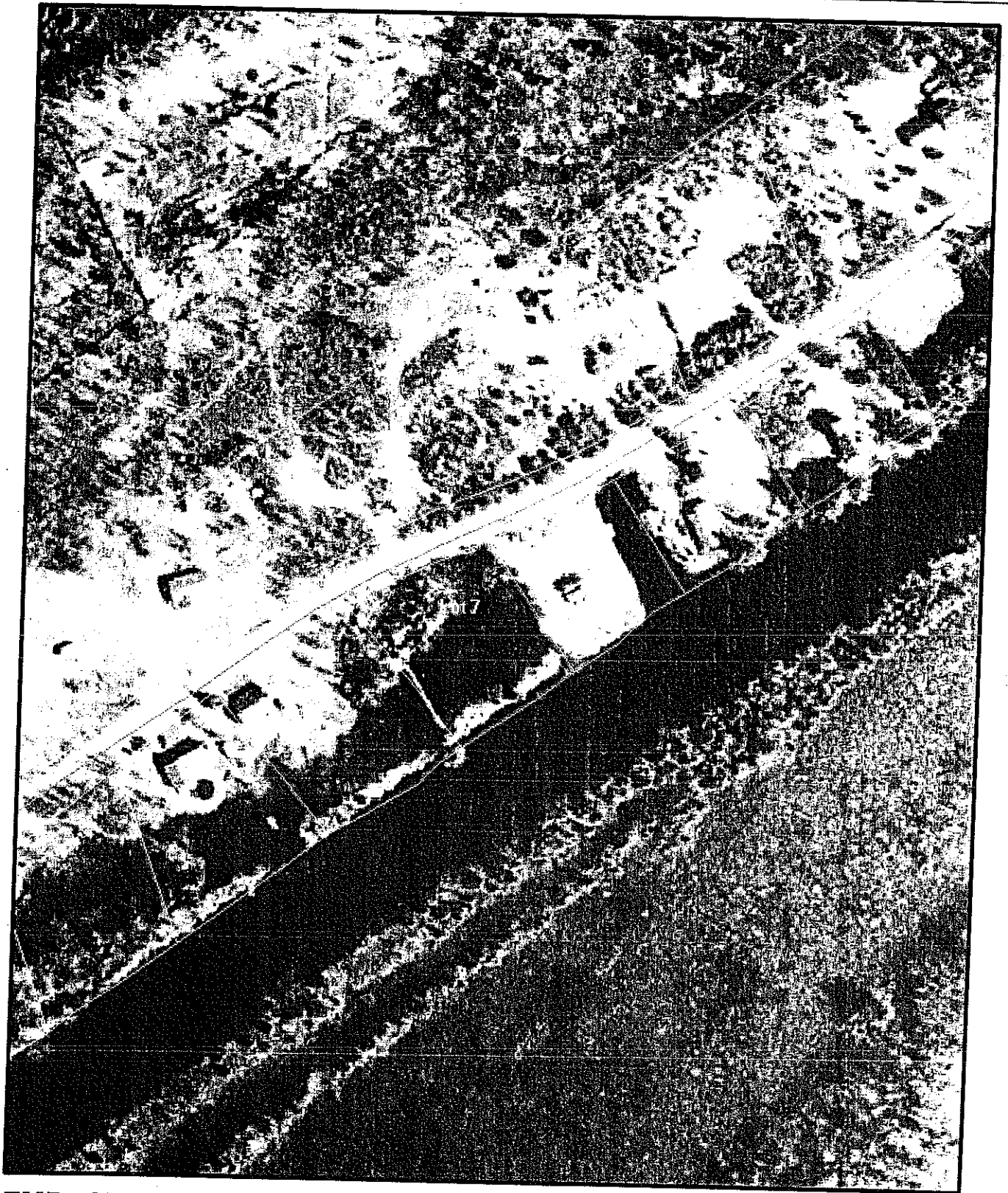













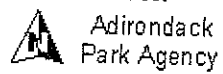




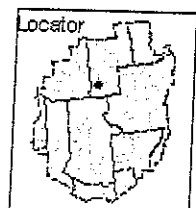
TMD: 491.4-2-7
2003 Air Photo

-  Park Boundary
-  State Boundary
-  County Boundary
-  Town Boundary
-  Village Boundary

0 75 150 Feet



This map should not be used for
 legal jurisdictional determinations.
 Contact the APA at 518-891-4050



JMB, 1-28-09

STATE OF NEW YORK
SUPREME COURT : COUNTY OF FRANKLIN

In the Matter of the Application of
TIMOTHY P. JONES,

Petitioner,

NOTICE OF ENTRY

For a Judgment Under Article 78 of the
Civil Practice Law and Rules

Index No. 97-60
RJI No. 16-1-97-0041
Justice David Demarest

- against-

ADIRONDACK PARK AGENCY


Respondent.

PLEASE TAKE NOTICE that attached hereto is a copy of the Stipulation and Order of Judgment resolving and discontinuing the above-captioned matter, signed March 15, 2010 by the Honorable David Demarest, Justice of the Supreme Court, the original of which was filed and entered on March 23, 2010.

Dated: March 25, 2010

ANDREW M. CUOMO
Attorney General of the State of New York
Attorney for the Adirondack Park Agency

By:


LAWRENCE A. RAPPOPORT
Associate Attorney, of Counsel
The Capitol
Albany, New York 12224
Tel. No. (518) 474-1191

To: Madeline Sheila Galvin, Esq.
Galvin and Morgan
217 Delaware Avenue
Delmar, New York 12054

STATE OF NEW YORK
SUPREME COURT : COUNTY OF FRANKLIN

COPY

FILED

MAR 23 2010

FRANKLIN COUNTY
CLERK'S OFFICE

In the Matter of the Application of
TIMOTHY P. JONES,

STIPULATION AND ORDER OF JUDGMENT

Petitioner,

For a Judgment Under Article 78 of the
Civil Practice Law and Rules

Index No. 97-60
RJI No. 16-1-97-0041
Justice David Demarest

-against-

Adirondack Park Agency,

Respondent.

ORIGINAL
WAS FILED OR
RECORDED

WHEREAS by Decision and Order dated December 23, 2004 and by Decision and Order dated May 9, 2005, this Court directed petitioner to submit an application to respondent for a permit authorizing, after-the-fact, his unlawfully constructed single family dwelling; and

WHEREAS by Decision and Order dated September 19, 2005, this Court imposed a civil penalty of \$6,500 upon petitioner for his continuing failure to submit the required permit application; and

WHEREAS by motion dated December 9, 2009 respondent moved this Court for an order finding petitioner in contempt of the December 23, 2004 and May 9, 2005 Orders for his continuing failure to submit the required permit application to respondent; and

WHEREAS petitioner has agreed to modify and/or supplement the incomplete permit application previously submitted to respondent through this stipulation; and

MS 4/5/10
T.C. 03/05/10

WHEREAS respondent has agreed to make a decision on petitioner's permit application as modified and/or supplemented pursuant to this stipulation; and

WHEREAS, petitioner and respondent desire to resolve this matter in a manner mutually acceptable to both parties;

THEREFORE, it is hereby stipulated and agreed by petitioner and respondent that respondent's motion for contempt and the underlying matter are resolved upon the following terms:

1. Petitioner Timothy P. Jones applies, after-the-fact, to respondent Adirondack Park Agency for approval of existing land use and development in freshwater wetlands and within the designated Recreational River Area on his property, designated Tax Map Parcel 491.4-2-7, in the Town of Tupper Lake, Franklin County, New York. By this stipulation and order, petitioner applies for after-the-fact approval of:

A. Seasonal recreational cabin The existing seasonal cabin is

approximately 500-550± square feet in size and is located approximately

50± feet from River Road on the subject property. Its size and location are shown on a 2003 air photo and collectively marked attached as Exhibit A. The cabin was

constructed in 1992 and is serviced by electricity, but has no water or sewer, or insulation. It is elevated approximately 1 foot above the wetland on concrete piers. A photograph of the cabin is attached as Exhibit B. All

wastewater generated through any use of the cabin will be captured, contained and transported for lawful disposal off-site. No on-site

wastewater discharge is proposed or authorized. Petitioner proposes to use the cabin year round, but primarily in non-winter months.

→ and nine (9) photographs annexed hereto, taken from affidavit of Timothy Jones, dated and sworn to August 10, 2004, 2

[Handwritten signature]
3/5/10
T.P.J.
03/05/10

[Handwritten signature]
3/5/10
T.P.J.
03/05/10

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T.P.J.
03/05/10

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3/5/10
T.P.J.
03-05-10

[Handwritten signature]
3/5/10
T.P.J.
03/05/10

upon information and belief, originally
constructed in or about the 1950s;

MS
6/5/10
T.O.
03/05/10

B. Boardwalk The existing boardwalk is approximately 93 feet in length and 3 feet wide and is elevated approximately 3 feet above the wetland on the subject property. It is made of wood and supported by posts that are placed into the wetland. For safety purposes, there is a hand rail on each side of the boardwalk.

2. Respondent has reviewed petitioner's application as modified and/or supplemented pursuant to this stipulation and order and has drafted an after-the-fact permit authorizing petitioner's seasonal recreational cabin and boardwalk, attached as Exhibit C. Respondent agrees to execute and issue the attached draft permit within 15 days of the ordering of this stipulation by the Court. Petitioner agrees to file the permit under the name of the owner of the subject property at the time of recordation in the Franklin County Clerk's office within 60 days of its issuance.

3. The parties agree that petitioner's payment of the \$6,500 civil penalty, ^{or any other any other penalty} ordered by this Court on September 19, 2005 shall be suspended, provided that petitioner maintains compliance with both this stipulation and order and the terms and conditions of Condition 12 of the permit issued by Respondent. However, should petitioner violate either the stipulation and order or Condition 12 of the permit, petitioner consents to entry of judgment in this Court for that amount.

MS
6/5/10
T.O.
03/05/10

4. Upon reasonable prior notice, petitioner agrees to grant respondent access to the subject property for the limited purposes of ascertaining compliance with the stipulation and order and permit, or in connection with the review of any new land use or development proposed by petitioner on the subject property.

MS
6/5/10
T.O.
03/05/10

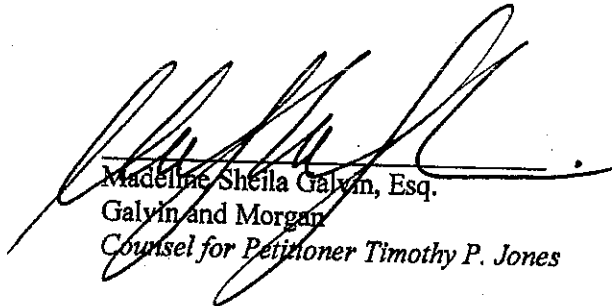
5. The parties agree that this stipulation and order and the permit shall bind petitioner's agents, successors and assigns.

These foregoing terms of stipulation are hereby agreed to:

Dated:
03/05/10


Timothy P. Jones

Dated: 3/5/10


Madeline Sheila Galvin, Esq.
Galvin and Morgan
Counsel for Petitioner Timothy P. Jones

MSG 3/5/10
Dr. 05-10

Dated:

Terry Martino
*Executive Director for Respondent
Adirondack Park Agency*

ANDREW M. CUOMO
Attorney General of the State of New York.

Dated:

By:

Lisa M. Burianek
Lawrence R. Rappoport
Assistant Attorneys General
Attorney for Adirondack Park Agency


SO ORDERED.

THIS ____ DAY
OF _____, 2010

DAVID DEMAREST, J.S.C.

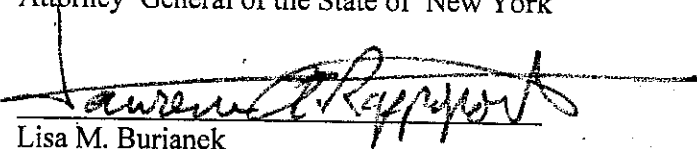
*MS 3/5/10
A/C
3/25/10*

Dated: 3/5/10


Terry Martino
Executive Director for Respondent
Adirondack Park Agency

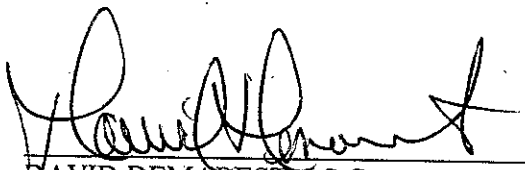
Dated: 3/9/10 By:

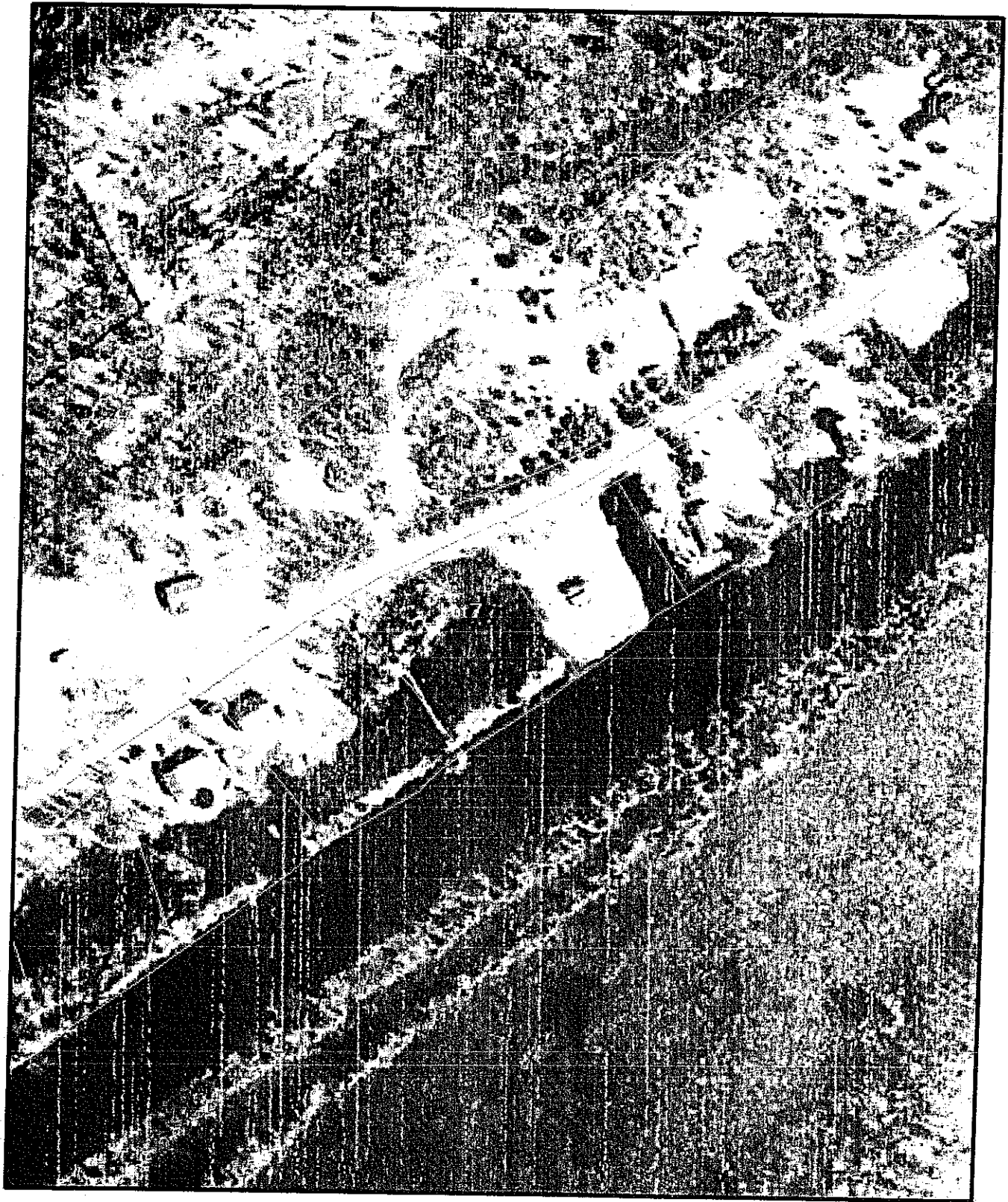
ANDREW M. CUOMO
Attorney General of the State of New York


Lisa M. Burianek
Lawrence R. Rappoport
Assistant Attorneys General
Attorney for Adirondack Park Agency

SO ORDERED.

THIS 15th DAY
OF March, 2010


DAVID DEMAREST, J.S.C.



TMD: 491.4-2-7
2003 Air Photo

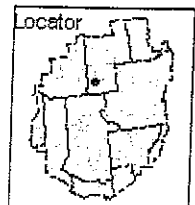
-  Park Boundary
-  State Boundary
-  County Boundary
-  Town Boundary
-  Village Boundary

0 75 150 Feet

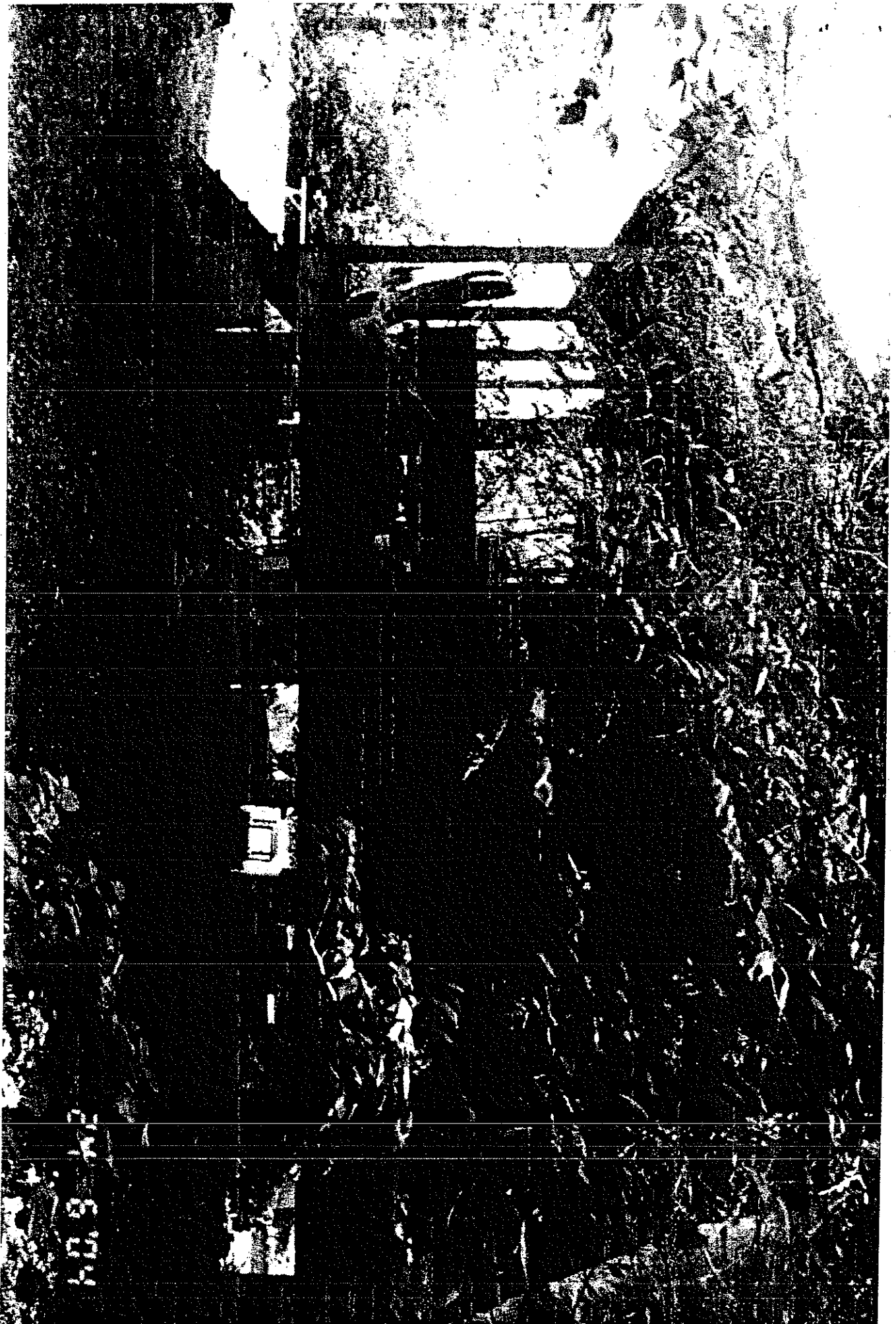


Adirondack
 Park Agency

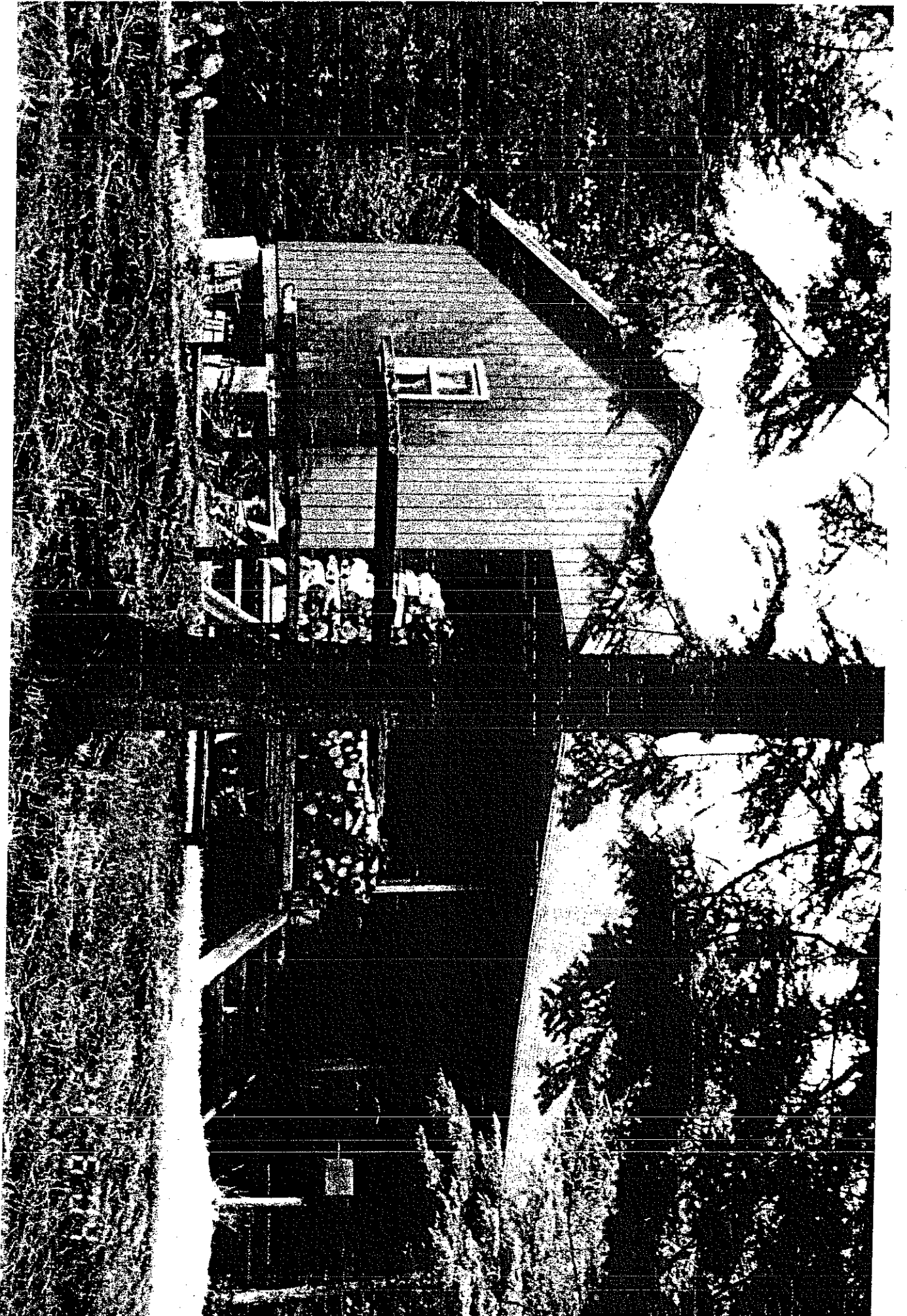
This map should not be used for
 legal jurisdictional determinations.
 Contact the APA at 518-891-4050

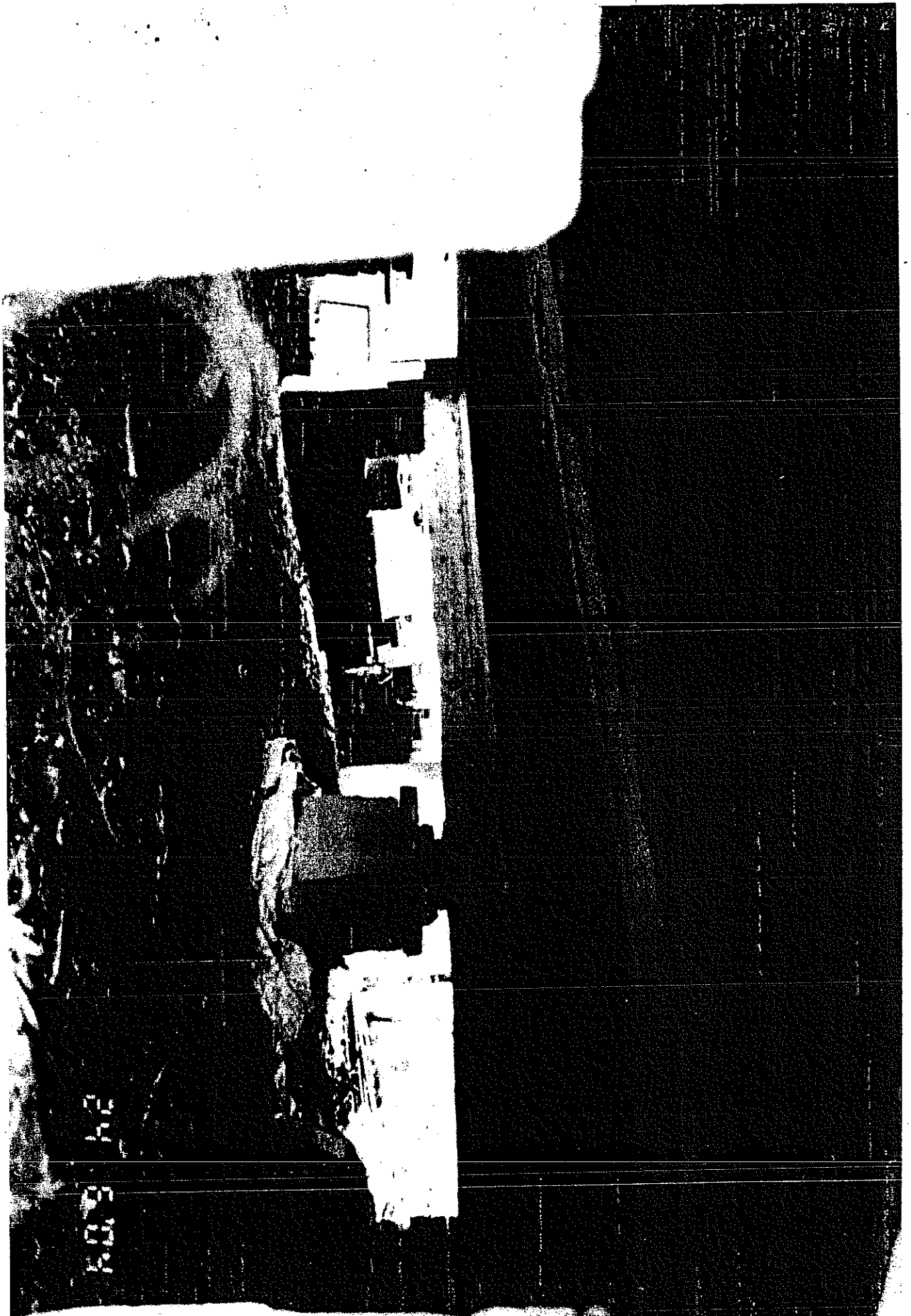


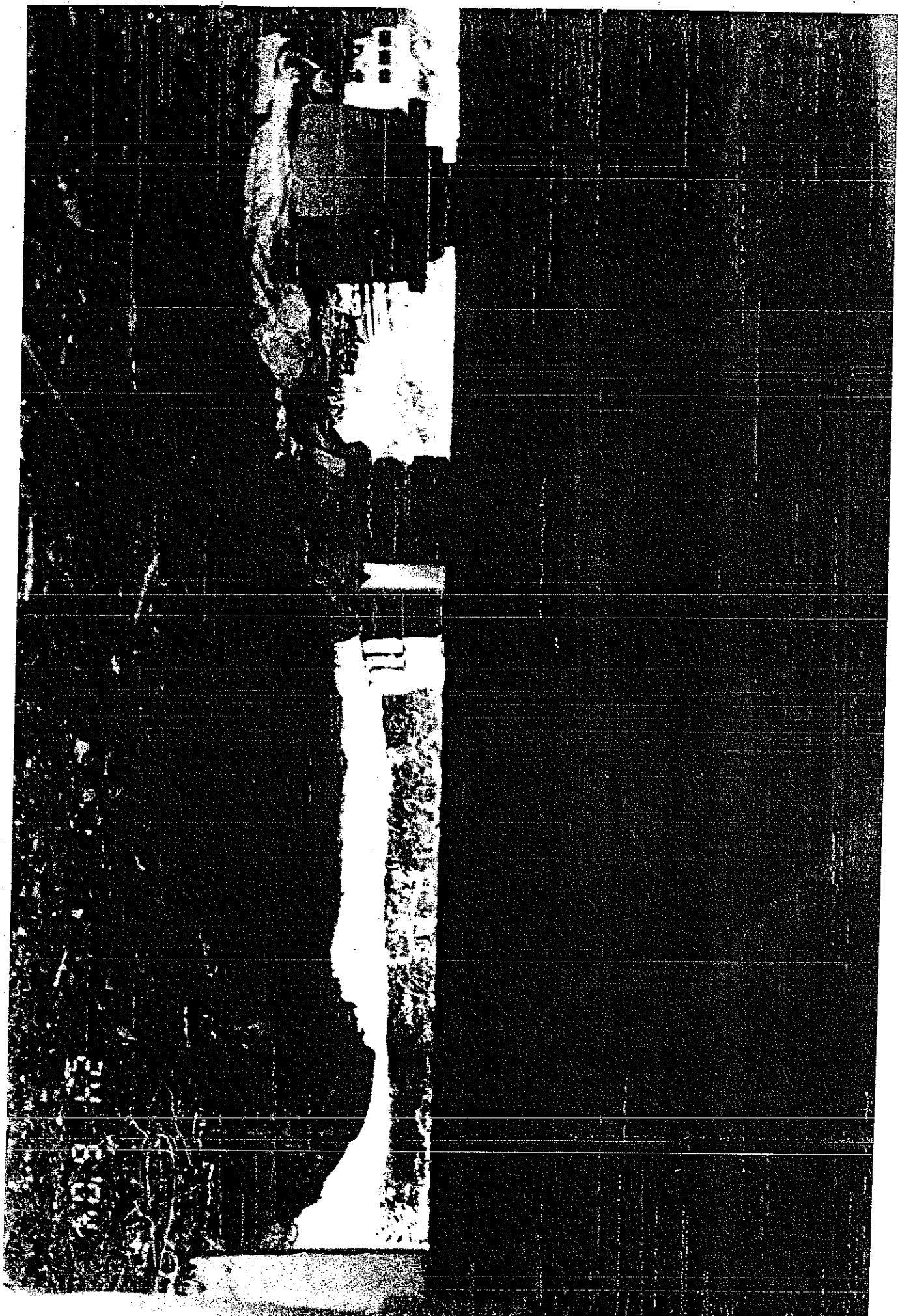
JMB, 1-28-09

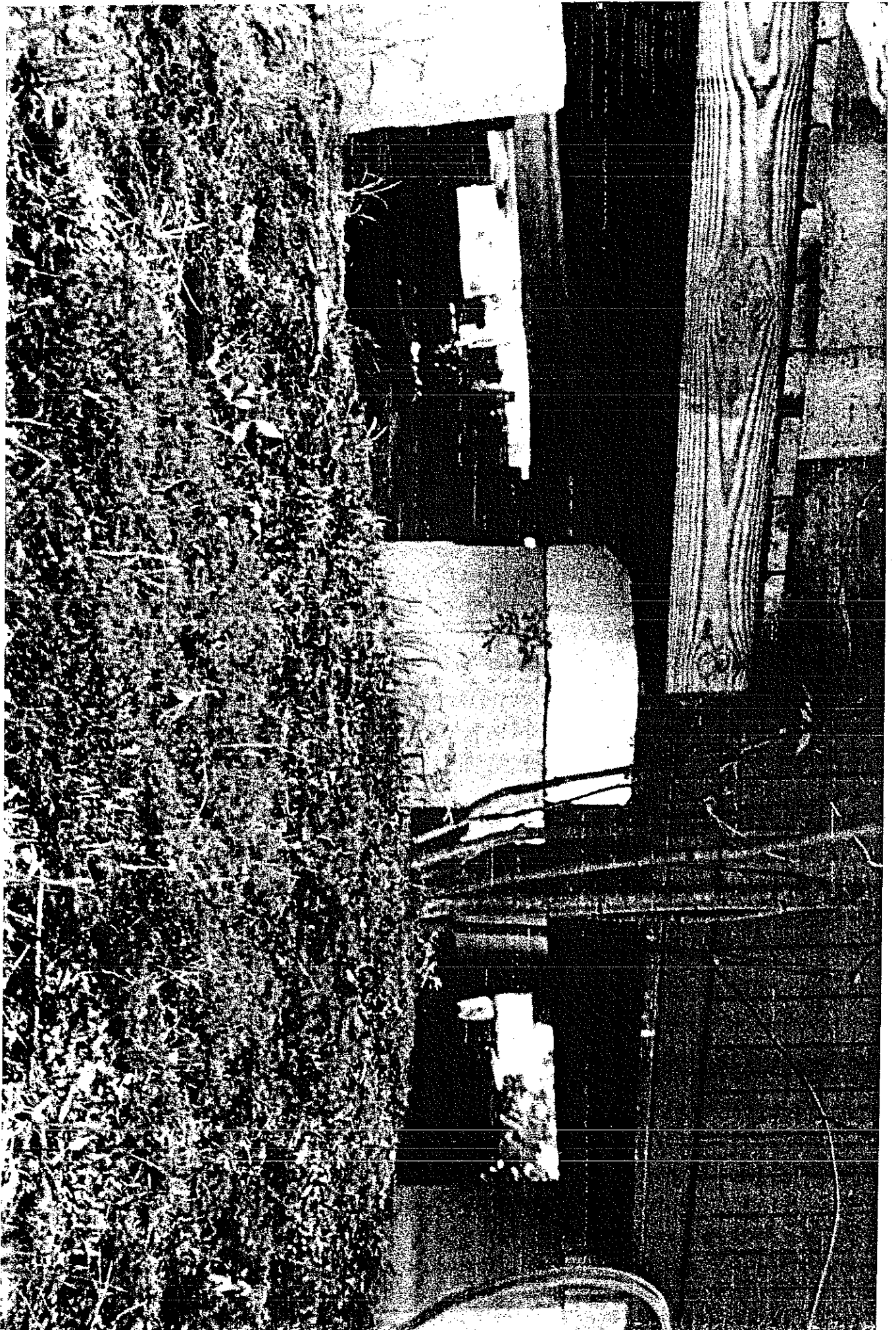


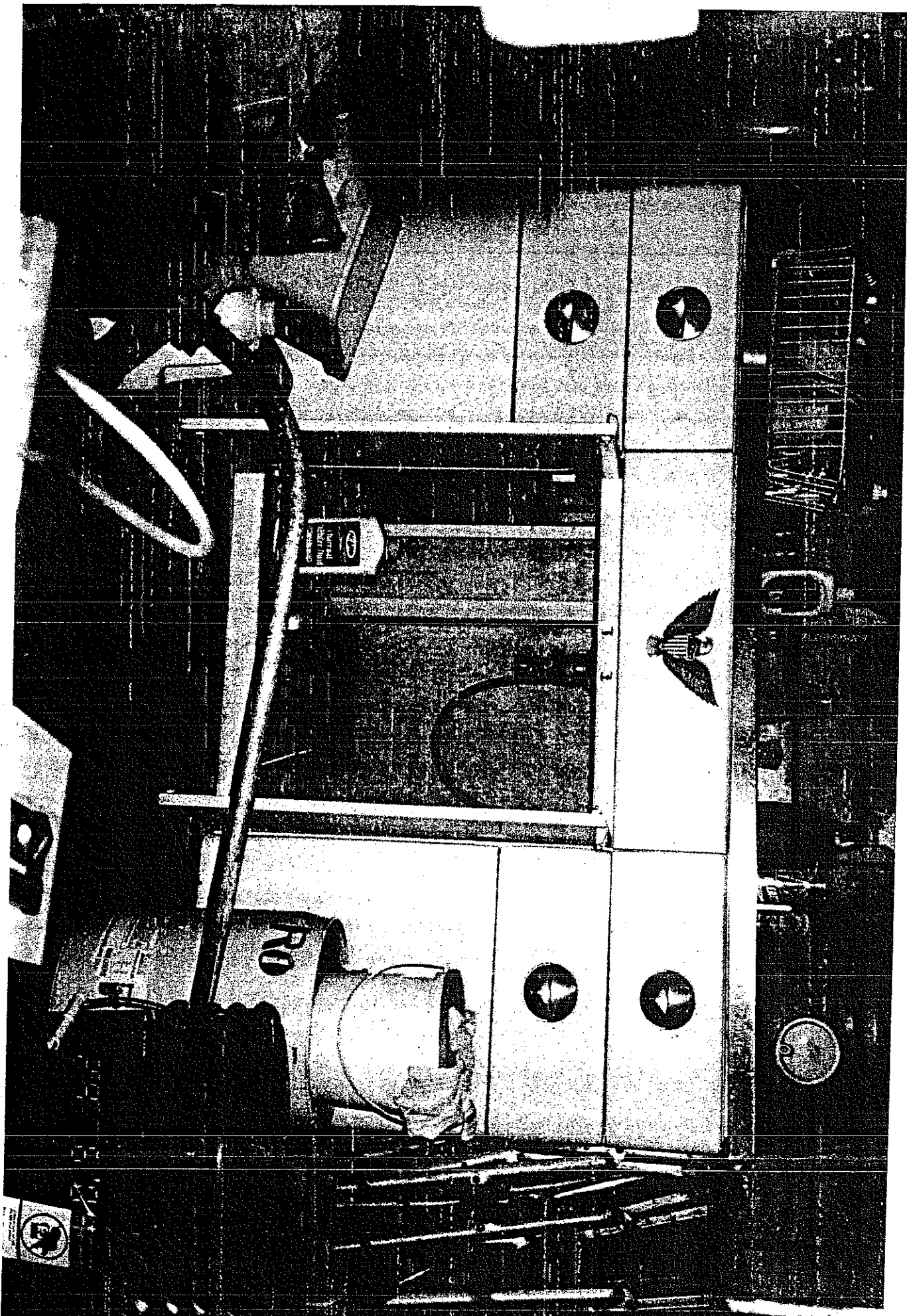








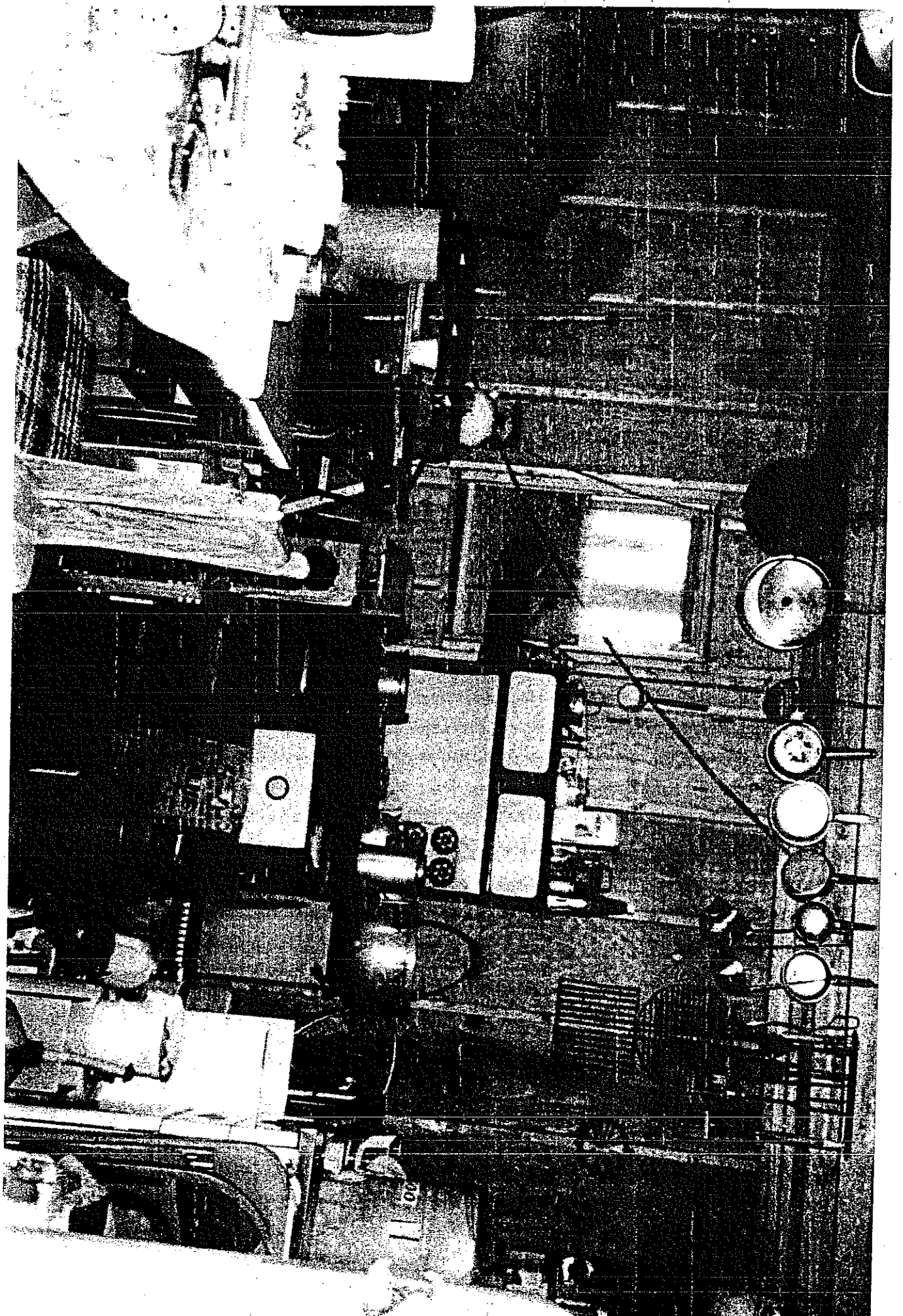




Vertical
Text
Label

RD





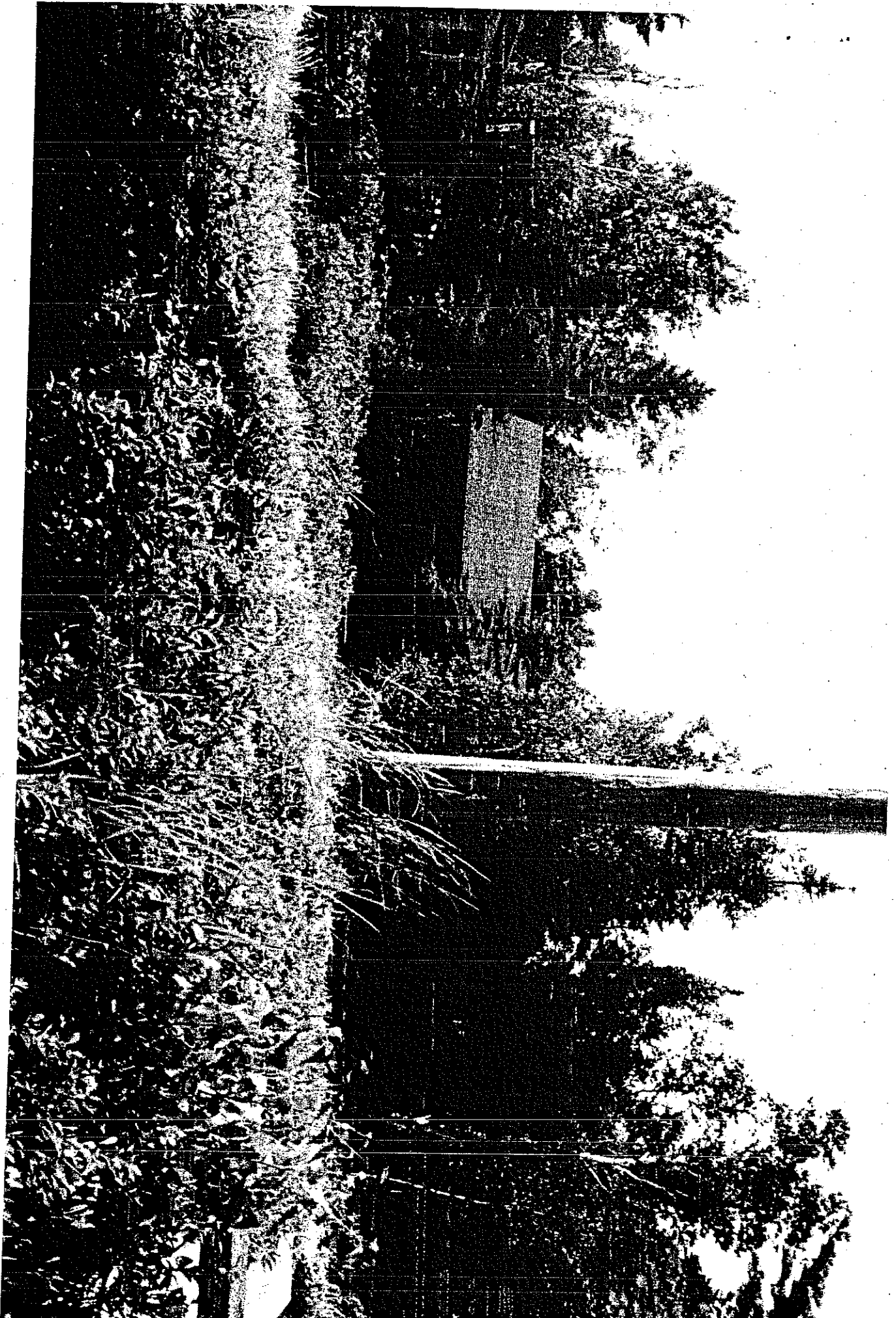
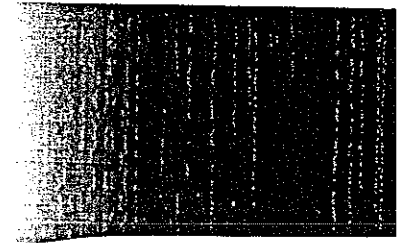


EXHIBIT C



GALVIN & MORGAN
ATTORNEYS AND COUNSELORS AT LAW

FAX: (518) 475-1810

PHONE: (518) 439-7734

***Service via Facsimile NOT Accepted**

DATE: 3/9/10

TIME: 1:15

TO: Lawrence A. Rappart, AAG

cc:

FROM: Sheila Galvin, ESQ.

FAX NO: 473-2534 TELEPHONE: 474-1191


RE: Jones matter

NUMBER OF PAGES INCLUDING COVER SHEET: 16

MESSAGE:

Confidentiality Notice:

The document(s) contained in this facsimile transmission is (are) privileged and confidential, belonging to the sender and intended only for use by the individual or the entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this telecopier information is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for return of the document(s) to us.

 <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050</p>	<p>APA Project Permit P2005-093</p>
<p>In the Matter of the Application of TIMOTHY P. JONES for a permit pursuant to 9 NYCRR Parts 578 and 577</p>	<p>Date Issued:</p> <p>To the County Clerk: This permit must be recorded on or before _____ . Please index this permit in the grantor index under the following names: 1. Timothy P. Jones</p>

SUMMARY AND AUTHORIZATION

Timothy P. Jones is granted an after-the-fact permit, on conditions, authorizing a seasonal recreational cabin and boardwalk in an area classified Low Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Tupper Lake, Franklin County.

This after-the-fact project shall not be deemed lawful until this permit is recorded in the Franklin County Clerk's Office. This permit shall expire unless so recorded on or before _____ 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.

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.

AGENCY JURISDICTION

The project consists of regulated activities requiring a wetlands permit pursuant to Executive Law §810(1)(c)(1)(b), 9 NYCRR Sections 578.2 and 578.3(n)(1)(iv) and also requires a permit under the Wild, Scenic and Recreational Rivers System Act (Rivers Act) pursuant to 9 NYCRR §577.5(c)(1).

PROJECT SITE

The project site is an approximately 0.88 acre parcel of land located on River Road in the Town of Tupper Lake, Franklin County, in an area classified Low Intensity Use on the Adirondack Park Land Use and

Project & Permit
No. 2005-093

Development Plan Map. It is identified on the Town of Tupper Lake Tax Map as Section 491.4, Block 2, Parcel 7 ("Parcel 7"). The project site is described in a deed from Wilfred and Malvina Madore to Timothy P. Jones dated August 1, 1978 which was recorded August 2, 1978 in the Franklin County Clerk's Office in Liber 488 of Deeds at Page 686.

PROJECT DESCRIPTION AS UNDERTAKEN

The project as proposed is summarized as follows: After-the-fact approval of a an approximate interior dimension of 18' x 26' or approximately 470 square feet interior with covered exterior area of 6' x 26' in accordance with dimensions set forth in the August 9, 1991 Building Permit and application with plans indexed hereto and marked Exhibit "A" and as depicted in photographs annexed hereto and marked Exhibit "B". square foot seasonal recreational cabin that is XX feet in height, with no on-site wastewater discharge, and an approximately 93 feet long by 3 feet wide wooden boardwalk in wetlands on a lot in a pre-existing subdivision. The approximate location of the structures on Parcel 7 is shown on a 2003 air photo attached as a part of this permit for easy reference.

Deleted: XXX

CONDITIONS

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

1. The project shall be continued as described in the Project Description as Undertaken 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(s), all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this permit shall be furnished by the applicant to all subsequent owners or lessees of the project site prior to sale or lease, and by the applicant or any subsequent owner or lessee undertaking construction to any contractors undertaking any portion of this project. 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 P2005-093 issued _____, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Projected Remaining Building Density

3. Only one principal building shall be allowed on Parcel 7.

Project & Permit
No. 2005-093

Building Location and Size

- 4. This permit authorizes, after-the-fact, the 1991-1992 construction of a seasonal recreational cabin in wetlands in the location shown on the 2003 air photo attached hereto. The authorized cabin shall not exceed its existing footprint of approximately 26' x 26' with overhangs as detailed on page 2, above, square feet or its existing height of _____ feet, inclusive of decks and porches, without an amended or new Agency permit and/or Agency variance.

Deleted: 2

Deleted: _____

Accessory Uses and Structures

- 5. This permit also authorizes, after-the-fact, the [original constructed in or before the 1950's] construction of a 93-foot long boardwalk in wetlands on Parcel 7. The authorized boardwalk is 3 feet wide and supported approximately 3 feet above the wetland on posts in the wetland. For safety purposes, there are hand rails on both sides of the boardwalk.

Deleted: year

Cabin and Boardwalk Color

- 6. With respect to any future painting or staining of the cabin or boardwalk, all exterior surfaces shall be of a color which blends with the existing vegetation. The Agency will, upon request, advise whether any particular proposal complies with this condition.

Outdoor Lighting

- 7. Any new free-standing and building mounted outdoor lights shall employ full cut-off fixtures, and 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 the river or adjoining property. The intent is to reduce nighttime light pollution (glare, light trespass and sky glow).

Wetlands

- 8. Beyond that authorized herein, 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.

Project & Permit
No. 2005-093

Wastewater Treatment

- 9. There shall be no on-site wastewater discharge. All wastewater generated on Parcel 7 shall be contained and transported off-site for lawful disposal.

Wild, Scenic and Recreational Rivers Special Provisions

- 10. Inside and within 100 feet of the mean high water mark of the Raquette River, no trees or other vegetation shall be harvested, cut, culled, removed, thinned or otherwise disturbed without prior Agency review and approval.

Shoreline Setbacks

- 11. Under the Rivers Act, all new buildings, decks and other structures (except for fences, poles, lean-tos, docks, boathouses, bridges, and stream improvement structures for fishery management purposes, or any new structure authorized by Agency variance) shall be set back a minimum of 150 feet from the mean high water mark of the Raquette River. Under the APA Act, any new structure over 100 square feet in size must be set back a minimum of 75 feet from the mean high water mark of the Raquette River.

Agency Review of Future Subdivision and Development

- 12. There shall be no further subdivision or new land use and development on Parcel 7, including but not limited to the expansion of the seasonal recreational cabin (either horizontally or vertically), the constructions of any accessory structures, the extension or widening of the existing boardwalk, or the installation of an on-site wastewater treatment system of any kind without a new or amended Agency permit and/or Agency variance. Upon reasonable prior notice, the permit holder shall grant Agency staff access to Parcel 7 in connection with the review of any subdivision or new land use or development proposed on Parcel 7.

FINDINGS OF FACT

Background/Prior History

- 1. Parcel 7 has been deemed to be a lot in a "pre-existing subdivision" as that term is defined in Executive Law §802(49). It was conveyed by Wilfred and Melvina Madora to Timothy Jones by deed dated August 1, 1978, recorded in Liber 488 of Deeds, Page 686.

Project & Permit
No. 2005-093

- 2. The seasonal recreational cabin and boardwalk were placed in wetlands without an Agency permit, resulting in enforcement action that led to a court-ordered requirement that an after-the-fact permit application be submitted to the Agency for approval of a single family dwelling on Parcel 7. By Stipulation and Order (Index No. 97-60; RJI No. 16-1-0041) dated March 3, 2010, the required permit application was modified and supplemented to propose the project as described herein. The Stipulation and Order was signed by Honorable David Demarest, Justice, New York State Supreme Court, and is filed in the Franklin County Clerk's Office.

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PROJECT IMPACTS

Wetlands

- 3. The wetlands on the property have not been formally delineated or value-rated, however, review of air photos of Parcel 7 reveals that almost all of Parcel 7 appears to be comprised of shrub-swamp wetlands, including in the location of the recreational seasonal cabin and the boardwalk. Furthermore, APA staff observations from the road and review of photographs taken from the road indicate the presence of wetland vegetation underneath the cabin.
- 4. This proposed project does not involve a substantial loss of wetland acreage, function or benefits derived therefrom.

Navigable Shorelines

- 5. Parcel 7 has approximately 170 feet of frontage on the Raquette River, a designated recreational river. Parcel 7 ranges in depth from approximately 200 feet to approximately 215 feet from the navigable channel of the river. The mean high water mark (MHWM) of the Raquette River has not been established on Parcel 7, but it is clear that, at a minimum, approximately 75% of Parcel 7 lies within the 150-foot regulatory structure setback from the MHWM of the Raquette River.

Open Space/Aesthetics

- 6. The visibility of existing or future development on Parcel 7 from the Raquette River is a legitimate potential impact. Ensuring that development blends in with surrounding vegetation and maintaining existing vegetation will limit such impacts.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval as set forth in Environmental Conservation Law. §

Project & Permit
No. 2005-093

24-0801(2) (Freshwater Wetlands Act), Environmental Conservation Law
§15-2709 (Wild, Scenic and Recreational Rivers Act), 9 NYCRR §578.10
and 9 NYCRR §577.4. 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 day
of , 2010

ADIRONDACK PARK AGENCY

BY: _____
Holly E. Kneeshaw, Acting Deputy Director
(Regulatory Programs)

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

On the day of in the year 2010, before me, the
undersigned, a Notary Public in and for said State, personally
appeared Holly E. Kneeshaw, 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 she
executed the same in her capacity, and that by her signature on the
instrument, the individual, or the person upon behalf of which the
individual acted, executed the instrument.

Notary Public

EXHIBIT TO TOWN OF ALTAMONT
BUILDING PERMIT WITH APPLICATION

A500

(A500-A508)

NYS Department of State Codes Division

THE TOWN OF ALTAMONT
THE VILLAGE OF TUPPER LAKE



NUMBER: 707

DATE: 9 August 1991

This notice, which must be prominently displayed on the property or premises to which it pertains, indicates that a

BUILDING PERMIT

has been issued to Tim Jones

permitting the construction of a single family residence

at Dunal River Road Tax Map No. 491.4-2-7

All work shall be executed in strict compliance with the permit application, approved plans, the Uniform Fire Prevention and Building Code, and all other laws, rules and regulations which apply. The building permit does not constitute authority to build in violation of any federal, state or local law or other rule or regulation.

DO NOT PROCEED BEYOND THESE POINTS UNTIL COUNTERSIGNED BELOW BY THE INSPECTOR.

- Footing before pouring concrete _____
- Framing before enclosing..... _____
- Plumbing before enclosing..... _____
- Insulation inspection..... _____
- Foundation before backfill..... _____
- Electrical before enclosing.... _____
- Heating, Ventilation, Air
Conditioning before enclosing.. _____
- Final Inspection..... _____

Permission is hereby granted to proceed with the work as set forth in the specifications, plans or statements now on file in this Department. Any amendments made to the original plans and specifications must first be submitted for approval.

James Radimer
Richard Garrelts
NYS Code Enforcement Officers

Issuing Officer
Department of State
Codes Division

Permit Fee \$77.50

\$77.50 A501

TOWN OF ALTAMONT
AND
VILLAGE OF TUPPER LAKE
53 PARK STREET
TUPPER LAKE, NY 12986

518-359-3580
518-359-2159

APPLICATION FOR
BUILDING AND ZONING PERMIT

TO BE COMPLETED BY BUILDING DEPT.

PERMIT NO. 707
PERMIT ISSUED 9 Aug. '91
ZONING DESIGNATION SR3
VARIANCE NO. _____

APPROVED BY:
R. Farrell

A PERMIT MUST BE OBTAINED BEFORE BEGINNING CONSTRUCTION. PLEASE ANSWER ALL OF THE FOLLOWING.

The undersigned hereby applies for a Building Permit to do the following work which will be done in accordance with the description, plans, and specifications submitted, and such special conditions as may be indicated on the Permit.

The owner of this property is: Timothy P. Jones
P.O. Address CENTRAL SQ., NY 13036 Tele. 315-668-8860
Property location RIVER ROAD TUPPER LAKE NY Tax Map No. 1 1
Subdivision name (if applicable) Street number or building lot number

THE PERSON RESPONSIBLE FOR SUPERVISION OF WORK AS REGARDS BUILDING CODES IS:

Name	P.O. Address	Tele. No.
<u>SELF</u>		
Name of builder	Address	Tele. No.
Name of plumber	Address	Tele. No.
Name of mason	Address	Tele. No.

NATURE OF PROPOSED WORK:
 Construction of a new building
 Addition to a new building
 Alteration to a building (no change to exterior dimensions)
 Other work (describe) _____

PROPOSED BUILDING AND USE:
Size of new structure 24 ft. X 24 ft.
Foundation - pier / slab / crawl / full / partial (circle one)
No. of stories (habitable space) 1
Height (grade to ridge) 16 ft. APPROX.
If residential, no. of families 1
No. of rooms (excluding baths) 2
No. of Bedrooms 1
No. of Bathrooms 1
Primary heating system FORCED AIR
Type of fuel kero
No. of fireplaces 0
Will a woodstove be installed YES

FOR DEMOLITION PERMIT, STATE SIZE AND LOCATION OF STRUCTURES AFFECTED.

BUILDING STYLE, PRIMARY STRUCTURE

Modern	Contemporary	Log Cabin
Raised Ranch	Modern	Duplex
Split Level	Old style	Bungalow
Colonial	New	Town House
Cape Cod	<u>Cottage</u>	Other

(circle one please)

ACCESSORY BUILDING

Detached garage/one car/two car/____ car
 Attached garage/one car/two car/____ car
 Private storage building
 Other _____

ZONING INFORMATION

A PLOT PLAN MUST BE PREPARED AND SUBMITTED -

draw necessarily to scale and attached hereto, showing clearly and distinctly all buildings, whether existing or proposed and indicate all set-back dimensions from property lines. Give street and number or lot number and indicate whether interior or corner lot. Show location of water supply and location and configuration of septic disposal area.

ESTIMATED MARKET VALUE OF CONSTRUCTION

\$ 77,500

OCCUPANCY INFORMATION

PRIMARY BUILDING

One family dwelling
 Two family dwelling
 Multiple dwelling / Number of units _____
 Permanent occupancy
 Transient occupancy
 Business
 Industrial
 Other _____

If addition, what will use be: _____

COMPLETE INFORMATION REQUIRED BELOW

Size of property 200 ft. x 200 ft.
Existing building(s) Size _____ ft. x _____ ft.

Existing building(s) use _____

Proposed building, distance from property line
 Front yard 50 ft. Rear yard 126 ft.
 Side yard 50 ft. and 126 ft.
 If on corner, setback from side st. _____ ft.

BUILDING SPECIFICATIONS:

Type of construction, wood frame, fire safe, etc.
Will any second-hand or ungraded lumber be used? If so, for what? _____

Foundation wall material concrete Thickness _____
Depth of foundation below grade (to bottom of footing) 4' 16" x 16" Piers

Will there be a cellar? NO Heated or unheated _____ Floor sq. footage _____ sq. ft.

Will there be a basement? NO Will any portion be used as living space? NO
(if so, what portion? _____ sq. ft.) Type of use? _____

Type of roof - sloped/flat/shed/other GABLE Material of roof METAL
Size, wood studs _____" x _____" spacing _____" o.c. length _____ ft.

Joists(floor beams) 1st. floor _____" x _____" spacing _____" o.c. span _____ ft.

Joists(floor beams) 2nd. floor _____" x _____" spacing _____" o.c. span _____ ft.

Overlays(ceiling beams) _____" x _____" spacing _____" o.c. span _____ ft.

Roof rafters _____" x _____" spacing _____" o.c. span _____ ft.

Roof trusses(pre-engineered) spacing _____" o.c. span _____ ft.

SPECIFY PROVISIONS TO MEET THE NYS ENERGY CONSERVATION CONSTRUCTION CODE

Exterior wall finish: _____ Of what material: _____

Interior wall finish: 1/2" SHEET ROCK

Wall Insulation: FIBER GLASS

Foundation Insulation: _____ Ceiling Insulation: FIBER GLASS

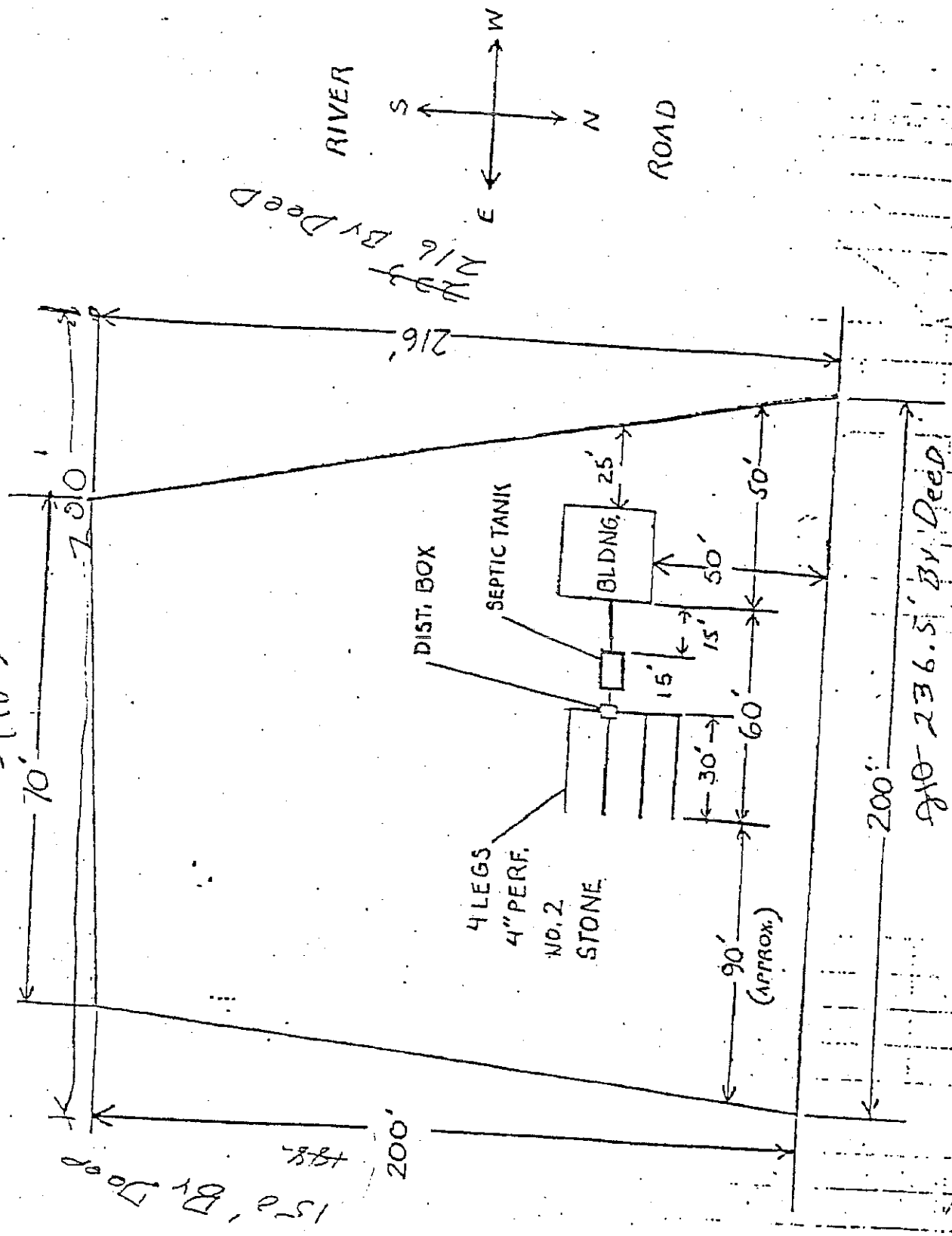
Type of Exterior Doors: 36" CLOS BUCK Perimeter Insulation: _____
6' SLIDING GLASS Type of Windows: DOUBLE HUNG 2X2



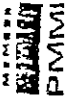
SCHNEIDER
PACKAGING EQUIPMENT CO., INC.
NEW YORK, N.Y. 10018



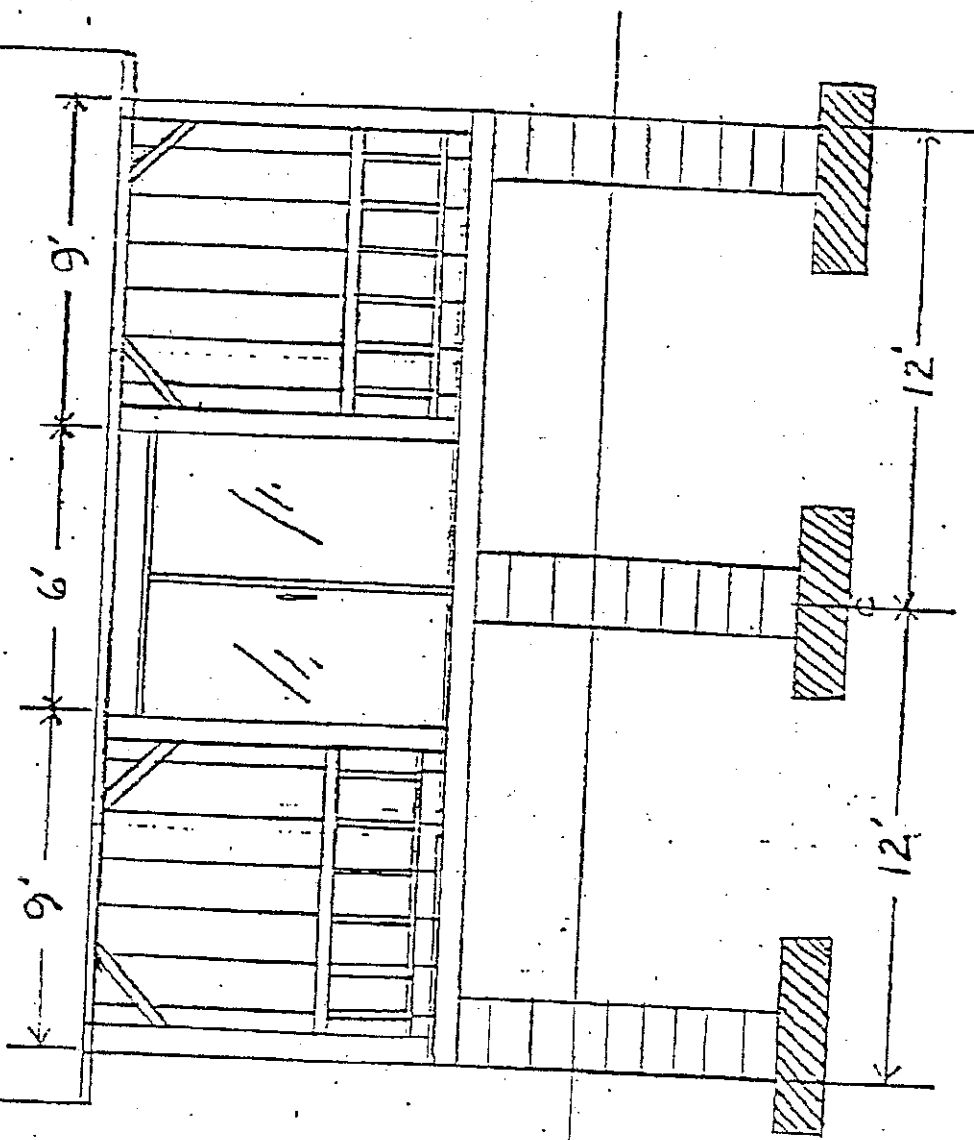
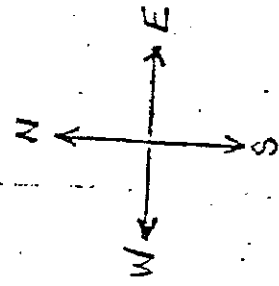
SCHNEIDER
PACKAGING EQUIPMENT CO., INC.
NEW YORK, N.Y. 10018



NOTE:
BLDNG. DIM.
24' X 24'

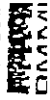


SCHNEIDER
PACKAGING EQUIPMENT CO., INC.



REAR VIEW
(FROM RIVER)

A506



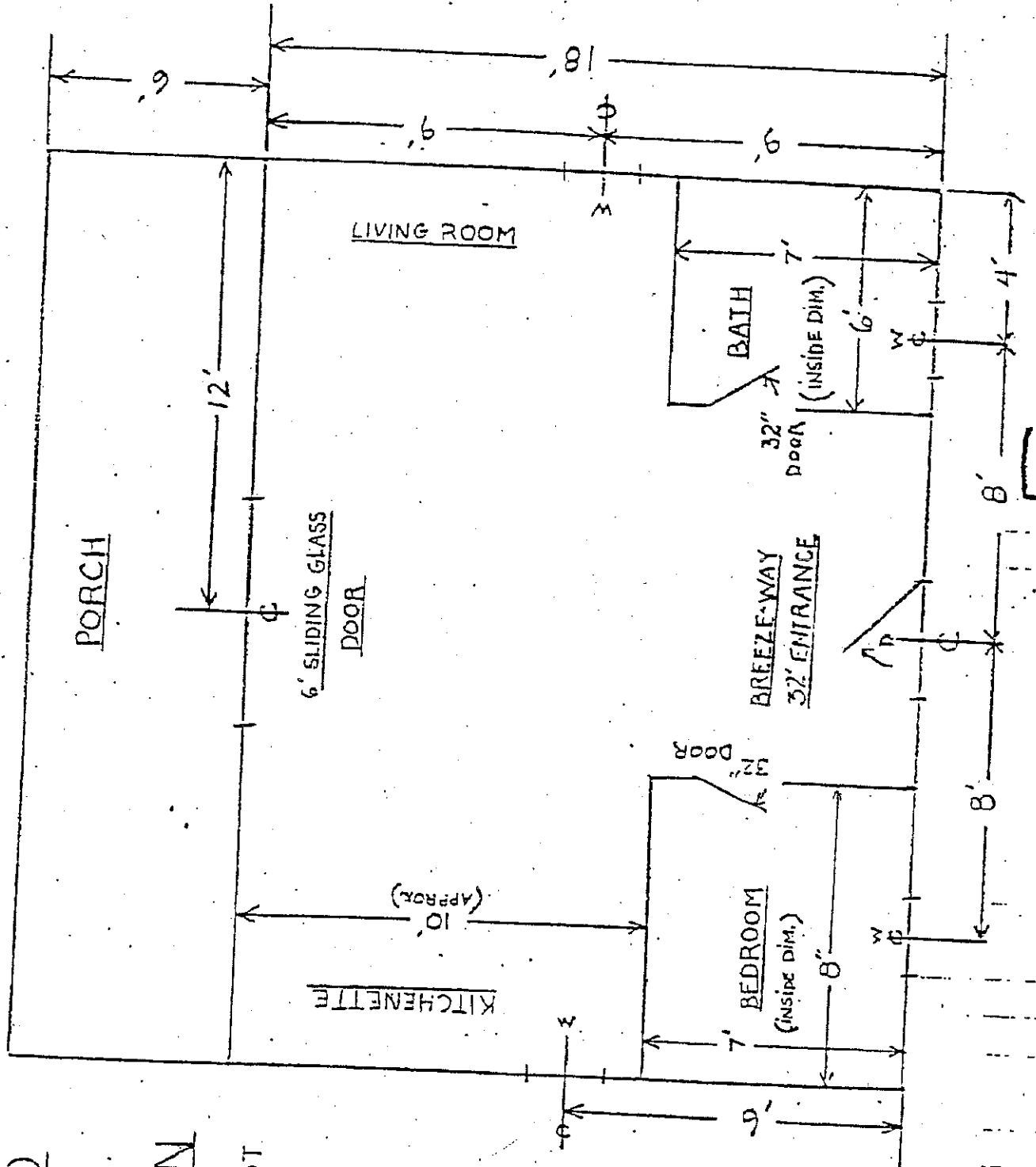
SCHNEIDER
PACKAGING EQUIPMENT CO. INC.

RIVER ROAD

LOT NO. 7

FLOOR PLAN

SCALE: 1/4" = 1 FOOT



1/2 PLY. WITH STEEL CLIP
2" X 6" RATERS - 2' CEN
GREEN-ASPHALT-SHING.

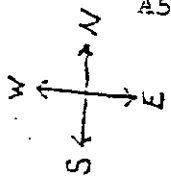
SIDING
7
5/8 TI-II ROSENBERG
SIDING - ALSO GREEN.
(TRIM - WHITE)

FLOOR
2" X 6" FLOOR JOYCES ~ 16"
CENTERS. 6" X 6" HORIZ.
BEAM.

PORCH
ALL PRESSURE-TREATED
FLOOR JOYCES 2" X 6" ~ 24"
CENTERS. 3/4" FLOOR
BOARDS, 4" X 4" UPRIGHTS.

WINDOWS
④ 2" X 3" DOUBLE-HUNG

DOORS
① 32" CROSSBUCK ENTRANCE
① 32" SCREEN ENTRANCE
① 6' SLIDING GLASS
REAR



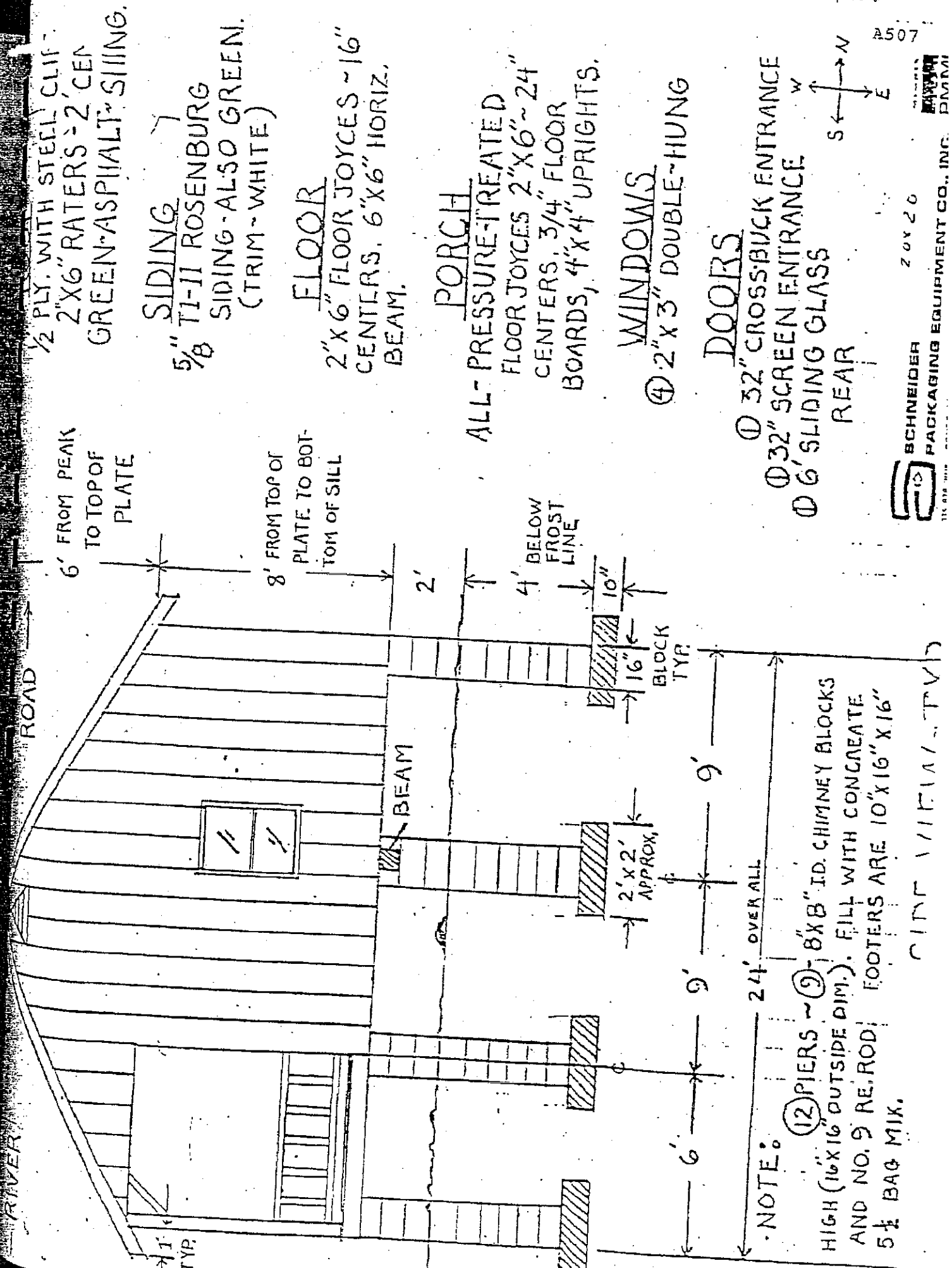
SCHNEIDER
PACKAGING EQUIPMENT CO., INC.
20x20
115 818 1111

6' FROM PEAK
TO TOP OF
PLATE

8' FROM TOP OF
PLATE TO BOT-
TOM OF SILL

4' BELOW
FROST
LINE

10"
BLOCK
TYR.



NOTE: ⑫ PIERS ~ ⑨ 8" X 8" I.D. CHIMNEY BLOCKS
HIGH (16" X 16" OUTSIDE DIM.). FILL WITH CONCRETE
AND NO. 9 RE. ROD. FOOTERS ARE 10" X 16" X 16"
5 1/2 BAG MIX.

CITY VIEW, T.V.

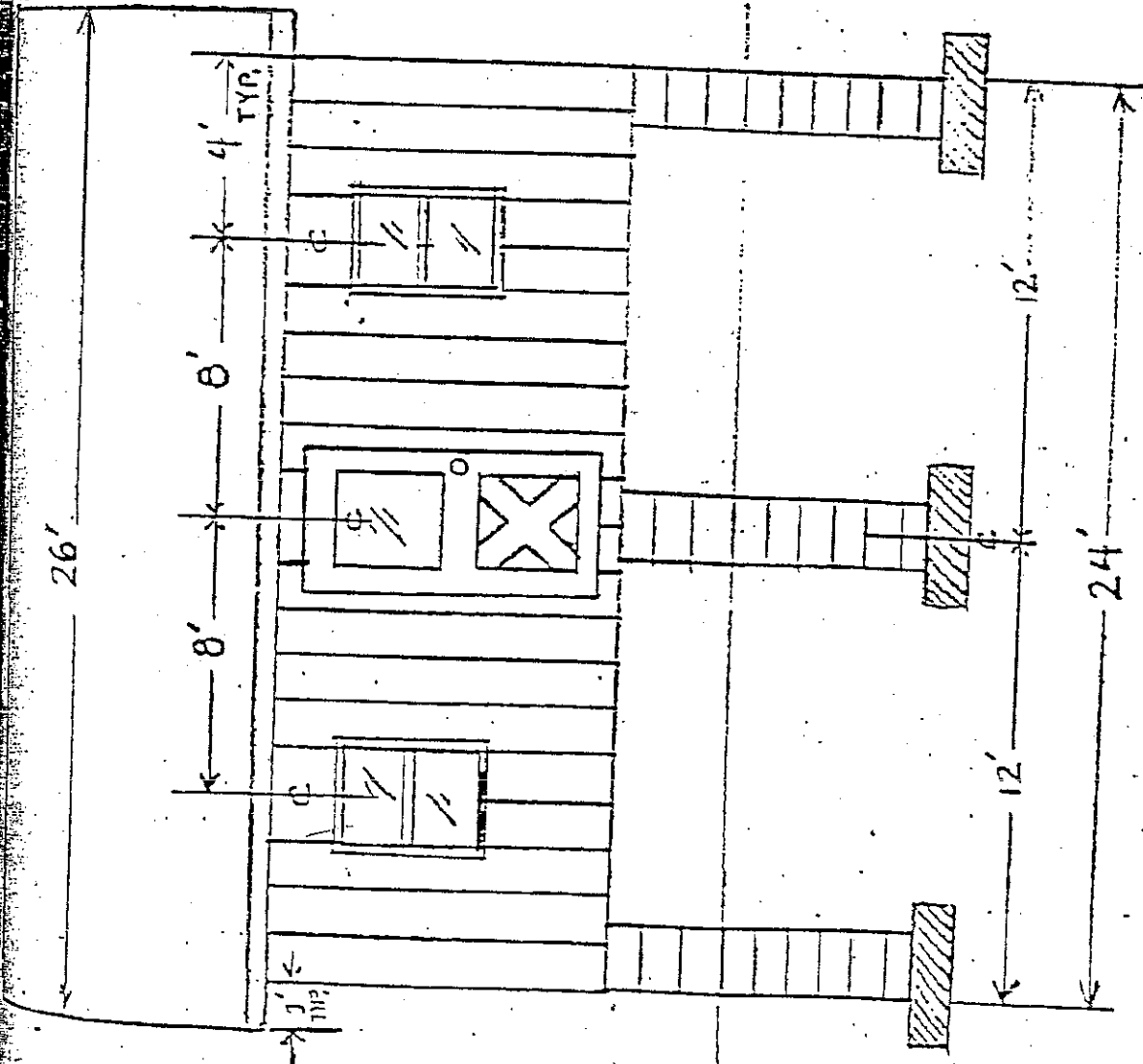
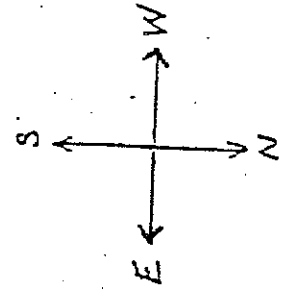
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REGISTERED PROFESSIONAL ARCHITECT P.M.V.M.I.

BOHNEIDER PACKAGING EQUIPMENT CO., INC.



318 828 3MA 401111 11



FRONT VIEW
(FROM ROAD)