

THIS IS A TWO-SIDED DOCUMENT



**Adirondack
Park Agency**

P.O. Box 99, 1133 NYS Route 86
Ray Brook, New York 12977
Tel: (518) 891-4050
www.apa.ny.gov

APA Permit
2024-0217

Date Issued: **May 13, 2025**

In the Matter of the Application of

**ASHLEY CASPER, ELIZABETH A.
GALLAGHER, CAPWELL TAYLOR AND
FLOYD W. TAYLOR**
Permittees

for a permit pursuant to § 809 of the Adirondack
Park Agency Act and 9 NYCRR Part 578

To the County Clerk: Please index
this permit in the grantor index
under the following name(s):

- 1. Ashley Casper**
- 2. Elizabeth A. Gallagher**
- 3. Capwell Taylor**
- 4. Floyd W. Taylor**

SUMMARY AND AUTHORIZATION

This permit authorizes the construction of a single family dwelling and a bridge in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Oppenheim, 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 Fulton County Clerk's Office. The Agency will consider the project in existence when the permit is recorded.

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 220.65±-acre parcel of land located on Tiedman Road in the Town of Oppenheim, Fulton County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 78, Block 2, Parcel 22.11, and is described in a deed from Shi Liu to Ashley Casper, Elizabeth A. Gallagher, Capwell Taylor and Floyd W. Taylor, dated November 18, 2022, and recorded in the Fulton County Clerk's Office as Instrument Number 2022-78815.

The project site contains value "2" wetlands associated with Phipps Brook including cover types of coniferous swamp, deciduous swamp, emergent marsh and shrub swamp. Additional wetlands not described herein or depicted on the Survey Map may be located on or adjacent to the project site.

The project site is improved by three accessory structures including a one-bay garage, a tent platform and an outhouse.

The project site is "Lot 1" in a two-lot subdivision as authorized by Agency Permit 2007-241.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of a pedestrian bridge across Phipps Brook and construction of a single family dwelling.

The project is shown on the following maps, plans, and reports:

- "Proposed Parcel 1" on an annotated "Map Showing Survey and Proposed Subdivision of Lands of Roger Gural and Nicholas Pizzo," received by the Agency on August 29, 2007 (Survey Map);
- Sketch Plans recorded as Book 10, Page 305 and 307 (Sketch Plans);
- "Proposed Bridge" sketch plan, dated May 1, 2024, and received by the Agency on August 8, 2024 (Bridge Location Plan); and
- "Attachment 3 Project Plans," in seven sheets, and "Detailed Project Description," in 3 sheets received by the Agency on February 27, 2025 (Bridge Plans).

A reduced-scale copy of the Bridge Location 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 and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any activity involving wetlands in the Adirondack Park.

This permit amends Conditions 5, 8, 9, 12 and 13 of Permit 2007-241.

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 bridge and/or the single family dwelling remains on the site. Copies of this permit and the Bridge Location Plan 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 Permit 2007-241 in relation to the project site. The terms and conditions of Permit 2007-241 shall no longer apply to the project site.
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 2024-0217, issued May 13, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes the construction of the bridge on the project site, depicted and described as "Proposed Parcel 1" on the Survey Map in the location depicted on the Bridge Location Plan and as described and depicted on the Bridge Plans. Any change to the location, dimensions, or other aspect of the bridge construction shall require a new or amended permit.
7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and accessory structures on the project site in the location inside the "Appx Clearing <1 acre" depicted on the Sketch Plans.

The single family dwelling and accessory structures shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The single family dwelling shall be less than 3,000 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.

8. Construction of any guest cottage on the project site shall require prior written Agency approval.
9. Prior to construction of any on-site wastewater treatment system on the project site, written authorization shall be obtained from the Agency for plans prepared by a New York State design professional (licensed engineer or registered architect) that comply with New York State Department of Health's "Wastewater Treatment Standards for Individual Household Systems" (10 NYCRR Appendix 75 A), the Agency's Project Guidelines for Residential On-Site Wastewater Treatment, and with Agency standards in 9 NYCRR Appendix Q-4.

Installation of the approved plans shall be under the supervision of a licensed design professional. Within 30 days of complete system installation and prior to utilization, the design professional shall provide the Agency with written certification that the system was installed in compliance with the Agency authorized plan set.

10. 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.
11. All exterior building materials, including roof, siding and trim, of all new structures on the project site shall be a dark shade of green, grey, or brown.
12. Any new free-standing or building-mounted outdoor lights associated with the bridge and/or single family dwelling 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 Tiedman Road or adjoining properties.
13. Outside of the "Appx Clearing <1 acre" depicted and described on the Sketch Plans, no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
14. The undertaking of any activity involving wetlands other than as authorized herein shall require a new or amended permit.
15. There shall be no more than thirty principal buildings located on the project site at any time. The single family dwelling authorized herein constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

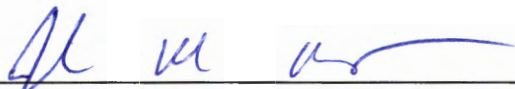
CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the 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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project;
- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- g. will result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this 13th day
of May, 2025.

ADIRONDACK PARK AGENCY

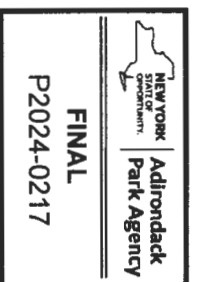
BY: 
John M. Burth

STATE OF NEW YORK
COUNTY OF ESSEX

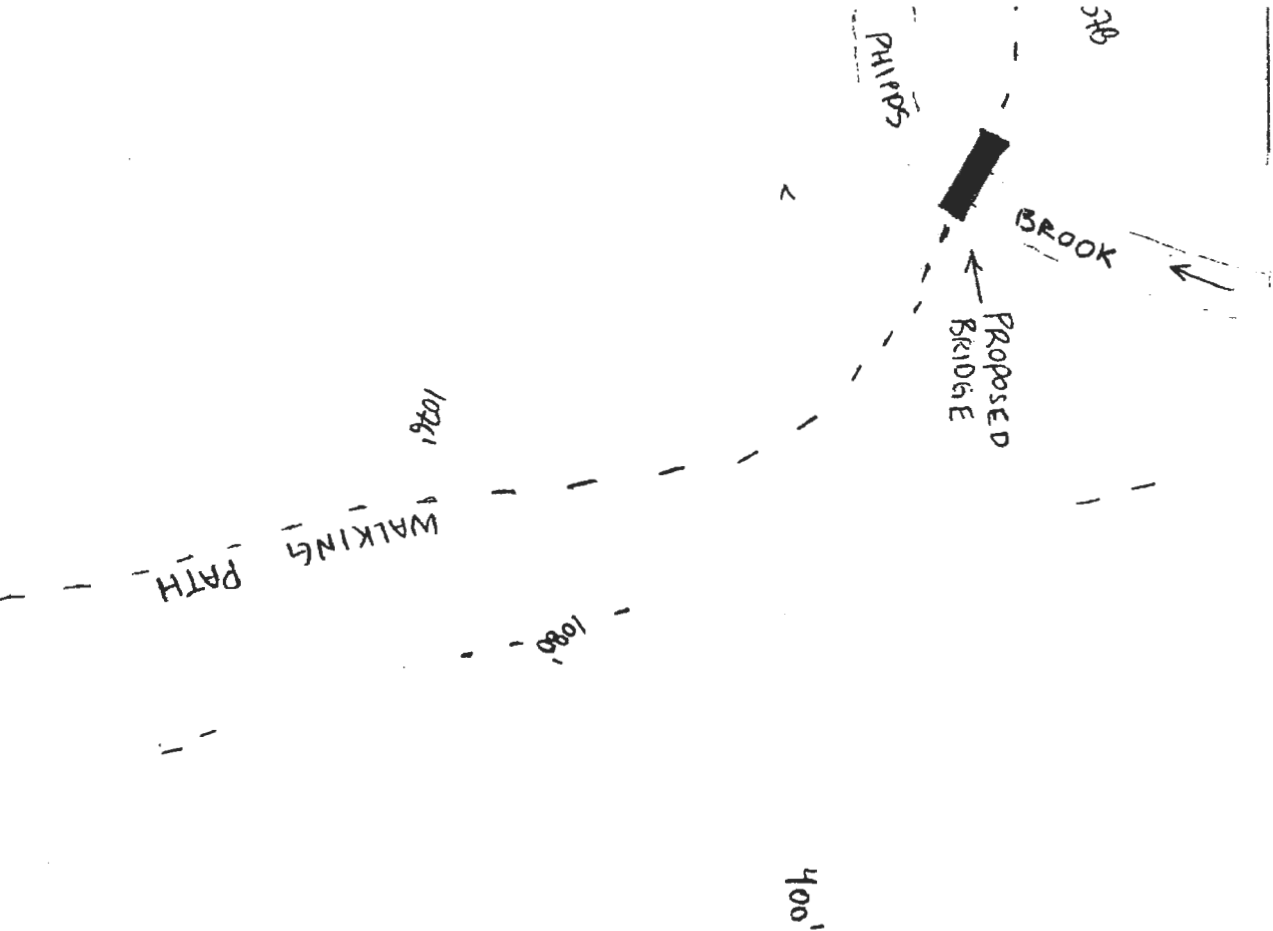
On the 13th day of May in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged 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
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2029


Notary Public



Proposed Line



RECEIVED
ADIRONDACK PARK AGENCY
AUG 08 2024

40' 1" scale bar
N north arrow
Carmen Taylor
5/1/2024