


THIS IS A TWO-SIDED DOCUMENT

 <p><b>Adirondack Park Agency</b></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 <b>2025-0016</b></p>
<p>In the Matter of the Application of</p> <p><b>WENDY SCHAFFER and HOWARD SCHAFFER</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: May 7, 2025</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s):</p> <ol style="list-style-type: none"><li><b>1. Wendy Schaffer</b></li><li><b>2. Howard Schaffer</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes the construction of a single family dwelling in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Lake Luzerne, Warren County.

This authorization shall expire unless recorded in the Warren 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 Warren County Clerk's Office. The Agency will consider the project in existence when the roof of the single family dwelling has been completed.

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 0.37±-acre parcel of land located on North Avenue in the Town of Lake Luzerne, Warren County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 298.16, Block 1, Parcel 76, and is described in a deed from Adriana Schaffer to Wendy and Howard Schaffer, dated November 27, 2023, and recorded December 4, 2023 in the Warren County Clerk's Office under Instrument Number 2023-6577.

The project site contains shoreline on Lake Luzerne.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves construction of a single family dwelling and attached garage with an overall height of 47 feet 9 inches.

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

- Two sheets titled "SITE-1.0 (R)" and "SITE-1.1," prepared by Nolan Engineering, PLLC, dated January 17, 2025, and last revised April 8, 2025 (Site Plans);
- Four sheets titled "G1," "A1," "A2," and "A3," prepared by Nolan Engineering, PLLC, dated April 8, 2025, and last revised April 8, 2025 (Septic Plans); and
- Three sheets titled "C100," "C101," and "D100," prepared by Nolan Engineering, PLLC, and dated April 4, 2025 (Erosion and Sediment Control Plans).

A reduced-scale copy of sheet "Site-1.0 (R)" of the Site Plans 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 construction of any structure in excess of 40 feet in height on Hamlet lands 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 Warren 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. Copies of this permit and the Site Plans, Septic Plans, and Erosion and Sediment Control 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 2025-0016, issued May 7, 2025, 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 the construction of one single family dwelling and one attached garage on the project site in the location, footprint, and height shown and as described on the Site Plans. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
6. Prior to undertaking construction of any boathouse on the project site, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
7. Prior to undertaking construction of any dock on the project site, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
8. No structures greater than 100 square feet in size shall be constructed within 50 feet, measured horizontally, of the mean high water mark of Lake Luzerne. Boathouses and docks, as defined under 9 NYCRR § 570.3, are excepted from this requirement.
9. Any on-site wastewater treatment system on the project site installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the Septic Plans. Construction of the system shall be supervised by a New York State design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.  
  
No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.
10. The project shall be undertaken in compliance with the Erosion and Sediment Control Plans.
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. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Lake Luzerne or adjoining property.
13. All exterior building materials, including roof, siding and trim, of the dwelling shall be a dark shade of green, grey, or brown.
14. Between the silt fence and Lake Luzerne, as shown and described on Page C101 of the Erosion and Sediment Control 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 a) within an area up to 10 feet in width, to allow for the maintenance of an existing footpath as shown on Page C101 of the Erosion and Sediment Control Plans, b) the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the single family dwelling 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 Hamlet land use area;
- c. will be consistent with the overall intensity guidelines for the Hamlet land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- 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.

16. The undertaking of any activity involving wetlands shall require a new or amended permit.
17. There shall be no more than four principal buildings located on the project site at any time. The public/semi-public building authorized herein constitutes one 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 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; and
- 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.

PERMIT issued this 7<sup>th</sup> day  
of May, 2025.

### ADIRONDACK PARK AGENCY

BY: Ariel Lynch  
Ariel Lynch  
Environmental Program Specialist 3 (EPS3)

### STATE OF NEW YORK COUNTY OF ESSEX

On the 7<sup>th</sup> day of May in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Ariel Lynch, 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

Stephanie L. Petith  
Notary Public

