


THIS IS A TWO-SIDED DOCUMENT

 <p><b>NEW YORK STATE</b> <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>2025-0179</b></p>
	<p>Date Issued: <b>November 13, 2025</b></p>
<p>In the Matter of the Application of</p> <p><b>KENNETH A. HELMS, TINA E. HELMS, and ALEX HELMS</b> <b>Permittees</b></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 name(s):</p> <ol style="list-style-type: none"><li><b>1. Kenneth A. Helms</b></li><li><b>2. Tina E. Helms</b></li><li><b>3. Alex Helms</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision in an area classified Hamlet and Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Newcomb, Essex County.

This authorization shall expire unless recorded in the Essex 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 Essex County Clerk's Office. The Agency will consider the project in existence when an authorized lot has been conveyed to an outside party.

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 two parcels of land with 90.55± total acres located on Sanford Lane, Vanderwalker Way, and Marcy Lane in the Town of Newcomb, Essex County, in an area classified Hamlet and Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as:

- Tax Map Section 110, Block 1, Parcel 22.100, described in a deed from Alex J. Helms to Alex J. Helms, dated April 4, 2012, and recorded April 9, 2012 in the Essex County Clerk's Office under Instrument Number 2012-1494 (89.85± acres); and
- Tax Map Section 110.18, Block 4, Parcel 1.033, described in a deed from Wilma K. Cleveland to Kenneth A. Helms and Tina E. Helms, dated September 8, 1986, and recorded September 11, 1986 in the Essex County Clerk's Office under at Book 864, Page 253 (0.70± acres).

The project site contains extensive forested wetlands throughout the site and associated with Wine Brook. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The portion of the project site owned by Alex Helms and identified as Tax Parcel 110.-1-22.100 was created in two successive two-lot subdivisions, first as authorized by Agency Permit 1999-0259 and then as authorized by Agency Permit 2011-0003. Agency Permit 2011-0003 also authorized the construction of a single family dwelling on Parcel 22.100, off of Marcy Lane, which has not been constructed.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of Parcel 22.100, creating a 10.44±-acre lot with an existing barn and horse pasture and a 79.41±-acre lot with an existing single family dwelling, garage, and barn. The 10.44±-acre lot will be merged with an adjoining 0.70±-acre lot with an existing single family dwelling and garage (Parcel 1.033).

The resulting merged parcel will be accessed from Sanford Lane. The remaining 79.41±-acre lot will be accessed from Vanderwalker Way and Marcy Lane.

The project is shown on the "Map of a Boundary Line Adjustment between Alex J. Helms and Kenneth A. & Tina E. Helms," prepared by Magee Land Surveying, and dated May 3, 2025 (Subdivision Plan). A reduced-scale copy of the Subdivision Plan 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 subdivision involving wetlands in the Adirondack Park.

Conditions 14 of Agency Permit 2011-0003 required a new or amended permit prior to any subdivision of Tax Parcel 110.-1-22.100.

**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 Essex 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 Subdivision 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 permits 1999-0259 and 2009-0190 in relation to the project site. The terms and conditions of Permits 1999-0259 and 2009-0190 shall no longer apply to the project site.
5. This permit amends and supersedes Permit 2011-0003 in relation to the 10.44±-acre lot being created. The terms and conditions of Permit 2011-0003 shall no longer apply to the 10.44±-acre lot.
6. All conditions in Permit 2011-0003 remain in full force and effect on the 79.42±-acre lot being created.
7. All deeds conveying all or a portion of the 79.41±-acre lot subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2011-0003 issued July 15, 2011, and Adirondack Park Agency Permit 2025-0179, issued November 13, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
8. All deeds conveying all or a portion of the 10.44±-acre lot subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2025-0179, issued November 13, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
9. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted on the Subdivision Plan. Any subdivision not depicted on the Subdivision Plan shall require a new or amended permit.

10. Within 30 days of conveyance of the 10.44±-acre lot, a new deed shall be filed in the Essex County Clerk's office describing the 10.44±-acre lot and the 0.70±-acre lot as a single, un-divided lot. Any future subdivision of this un-divided lot shall require a new or amended permit.
11. The Low Intensity Use portion of the 79.41±-acre lot shall not be conveyed separately from the Hamlet portion of the 79.41±-acre lot.
12. Within 50 feet of wetlands, within 50 feet of Wine Brook, and within 75 feet of New York State Wild Forest Lands, 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) maintenance of existing cleared areas and roadways, b) the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
13. The wetland crossing and culvert authorized by Settlement Agreement E2025-0131, located on the southeast portion of Tax Parcel 110.-1-22.100 and near the single family dwelling accessed from Vanderwalker Way, shall not exceed 20 feet in road surface width and shall not exceed 30 feet in total width, with the supporting fill.
14. 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.
15. The undertaking of any activity involving wetlands shall require a new or amended permit.

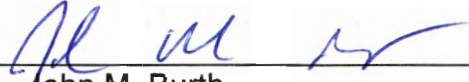
### **CONCLUSIONS OF LAW**

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 subdivision 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 Newcomb;
- 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 13<sup>th</sup> day  
of November, 2025.

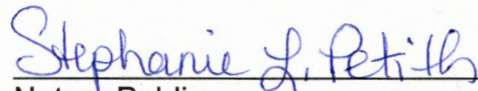
ADIRONDACK PARK AGENCY

BY:   
John M. Burth  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 13<sup>th</sup> day of November 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 PETITH  
Notary Public, State of New York  
Reg. No. 01PE6279890  
Qualified in Essex County  
Commission Expires April 15, 2029

  
Notary Public



