



March 17, 2003

Thomas A. and April Pampalone
P.O. Box 302
Keeseville, NY 12944

Dear Mr. and Mrs. Pampalone:

RE: Jurisdictional Determination J2003-145

The proposed replacement of a boathouse as described in the materials submitted on March 10, 2003 and boathouse plans received by Emily Tyner on March 5, 2003 does not require a permit or variance from the Agency, provided the facts submitted are accurate and complete, and provided there is compliance with the restrictions below.

Description

It is our understanding that the proposed project consists of the following:

1. The property is a 4.7±-acre parcel located in the Town of Brighton, Franklin County on the shoreline of Spitfire Lake, tax map designation 395-1-4.1.
2. The property is owned by you as described in a deed recorded on September 25, 2001 in Liber 785 of Deeds, page 20 in the Franklin County Clerk's Office.
3. According to information provided by you and available in other Agency files, the subject property was part of a larger parcel as of the May 22, 1973 enactment date of the Adirondack Park Land Use and Development Plan. The larger parcel included the adjoining 4± acres currently owned by Widlicka and described as tax designations 395-1-4.2 and

- 4.3. Agency Project Number 178 authorized the conveyance of the original 3 \pm -acre lot (tax lot 4.2) to Widlicka and it appears that Agency Project 77-196 (Permit P77-167) later authorized the conveyance of another 1 \pm -acre lot (tax lot 4.3) to the same landowner as a boundary line adjustment. No other post-1973 subdivisions of the original parcel have occurred.
4. As described in the Jurisdictional Inquiry Form and described in other Agency files, the subject property was improved by a single family dwelling and accessory use structures as of the August 1, 1973 effective date of the Adirondack Park Land Use and Development Plan. The structures in existence as of that date included: the 2000 square foot "Main House" (circa 1930); a 625 square foot accessory use "Beach House" (circa 1940); the 1000 square foot "Little House" (circa 1960), which appears to have been used as an accessory use guest cottage (see enclosed flyer); a 240 square foot accessory use "tool shed"; a 160 square foot accessory use "firewood building"; and a 1050 square foot single story boathouse with a flat roof "sundeck" (circa 1940). Prior Jurisdictional Determination 2001-29 notes that the "Beach House" burned in the 1970's and the single family dwelling and Little House" burned in 1983; the "tool shed" and "firewood building" have also been destroyed. In 2002 the original camp and guest cottage were replaced in kind and in the same location.
5. According to information contained in the Jurisdictional Inquiry Form and submitted to the Agency during enforcement case E2002-54, you propose to replace in the same location a pre-1973 boathouse with a new one story boathouse. The new boathouse will be constructed as shown on plans entitled; "Spitfire Lake Boathouse" dated January 2003 and received by Agency Enforcement Officer Emily Tyner on March 5, 2003. The boathouse will be within the mean high water mark and access will be on a boardwalk which replaces a pre-1973 structure. The plans show that the front of the boat slip comes to a point. As you indicate on the Jurisdictional Inquiry Form, you are now proposing the boat slip to be squared off such that no portion of the dock is greater than 8 feet in width.

If any of the above is incorrect, please contact the Agency as a different determination could result.

FOR YOUR INFORMATION:

This determination is based upon the existing laws, regulations and Park Plan Map administered by the Agency. If they change before substantial commencement of the proposed project, this determination may also change.

The property is located in a Resource Management land use area on the Adirondack Park Land Use and Development Plan Map.

Agency staff has determined that there are wetlands subject to Agency jurisdiction on the property, based on a July 3, 2003 wetland site visit by Agency Biologist Mark Rooks. During this visit Mr. Rooks determined that the construction of the new boathouse will not have a significant affect on the value or function of the nearby wetland provided that construction will be performed on a barge and equipment will not be operated in the nearby wetlands, access to the boathouse will be by a boardwalk which replaces a pre-1973 structure, and no fill of any kind will be placed in the wetland to facilitate access.

The property is not otherwise located in a statutory critical environmental area.

The property is not located in a designated river area pursuant to the New York State Wild, Scenic and Recreational Rivers System Act.

Restrictions

Although the proposed project described above does not require an Agency permit, the following restrictions are imposed by law.

1. Construction will be performed on a barge and equipment will not be operated in the nearby wetlands, access to the boathouse will be by a boardwalk and no fill of any kind will be placed in the wetland.
2. In a Resource Management Use land use area any new structure over 100 square feet in size except docks and boathouses (see the enclosed definitions) must be set back at least 100 feet from the mean high water mark of any water body navigable by boat or canoe, including

rivers, streams, lakes or ponds. Building setbacks are measured horizontally from the closest part of the structure to the mean high water mark. Porches, decks and other physically attached components are considered part of the structure when applying the setback requirements.

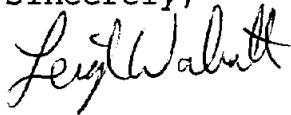
Vegetative cutting restrictions apply to the shoreline of any navigable water body. The removal of any vegetation is limited within 6 feet of the high water mark. The cutting of trees is limited within 35 feet of the high water mark. Enclosed is a flyer which further describes shoreline restrictions.

3. Projects must be undertaken in accord with Agency regulations implementing the State Freshwater Wetlands Act. Enclosed is a flyer describing some of the activities which require a wetlands permit.
4. Without an Agency permit, no structure shall exceed 40 feet in height, except residential radio and TV antennas. Please be aware that height is measured from the highest point of a structure to the lower of either natural or finished grade.

The proposal may require approvals from other government entities. We recommend that you check with Town authorities and with other State agencies, especially the Departments of Environmental Conservation and Health, to obtain all necessary approvals prior to beginning your project.

If you have any questions, please do not hesitate to contact the Agency.

Sincerely,



Leigh R. Walrath
Project Administrator

LRW:MJG:mr
Enclosures

cc: E2002-54
Edward Lagree, Zoning Administrator, Town of Brighton