



## Adirondack Park Agency

**SHERMAN CRAIG**  
Chairman

**TERRY MARTINO**  
Executive Director

November 8, 2016

Mark and Tracie McGill  
51 Corlear Drive  
Willsboro, NY 12996

Dear Mr. and Mrs. McGill:

**RE: Jurisdictional Determination J2016-0735**

The proposed retaining wall described in the materials received on October 28, 2016 does not require a permit or variance from the Adirondack Park Agency (Agency), provided the facts submitted are accurate and complete, and provided there is compliance with the restrictions below.

Although a permit or variance is not required from this Agency, please be aware that a permit and/or variance may be required from the Town of Willsboro which administers an Agency-approved local land use program (ALLUP). This means that the Town has authority over Class B regional projects and administers the statutory shoreline restrictions as defined in the Adirondack Park Agency Act and further defined in the ALLUP.

**Please be advised that this letter makes no representation as to the approvability of your project pursuant to the Town administered ALLUP. Be sure to contact the Town's Code Enforcement Officer or Zoning Administrator to determine the Town's requirements and the procedures and standards to be followed for such projects. Also, please be aware that variances approved by towns acting pursuant to an ALLUP are subject to review by the Agency and under certain circumstances can be reversed by the Agency.**

### Description

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

1. The property is a 0.2±-acre parcel having shoreline on Lake Champlain and is located in the Town of Willsboro, Essex County, on Corlear Drive, tax map designation 21.9-2-13.

Mark and Tracie McGill

November 8, 2016

Page 2

2. The property is owned by Mark P. McGill and Tracie L. McGill, as described in a deed recorded on February 11, 2013 in Liber 1725 of Deeds, page 138, in the Essex County Clerk's Office.
3. According to the information you submitted, the property was not part of a larger parcel as of the May 22, 1973 enactment date of the Adirondack Park Land Use and Development Plan, nor did the owner on that date own any adjoining property.
4. The property is improved by a single family dwelling constructed circa 1950.
5. You propose to construct a retaining wall, as described in your letter received on October 28, 2016 and as shown on the plan entitled "51 Corlear Dr," also received on October 28, 2016. For purposes of Agency review, the letter and plan have been stamped "Final".

No additional subdivision or new land use and development is proposed at this time.

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 Moderate Intensity Use land use area on the Adirondack Park Land Use and Development Plan Map.

Agency staff have determined that there are no wetlands subject to Agency jurisdiction on the property, based on interpretation of wetland maps available for Essex County. However, field inspection by Agency staff is the only way to confirm the presence, location and size of wetlands (particularly along the shoreline). If you have reason to believe that any wetlands would be affected by the proposal, you are encouraged to contact the Agency to arrange a site visit prior to undertaking the project.

The property is not 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.

Since the Town of Willsboro administers an ALLUP, you should contact the local zoning administrator or code enforcement officer to determine the Town's requirements and the procedures and standards to be followed for such projects. If your project is determined

to be a Class B regional project, the local government will notify the Agency of your application and the Agency may participate as a party of interest in the local review.

### Restrictions

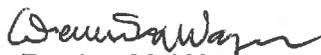
Although the proposed project described above does not require an Agency permit, the following restrictions are imposed by law. Please note that the Town of Willsboro may have more restrictive requirements and standards than those administered by the Agency.

1. Shoreline restrictions apply to any shoreline parcel; again, please contact the Town to ensure compliance. Again, please be aware that variances approved by towns acting pursuant to an ALLUP may, under certain circumstances, be reversed by the Agency.
2. The project must be undertaken in accord with Agency regulations implementing the Freshwater Wetlands Act, which prohibits subdividing, polluting, filling, dredging, draining or construction in a wetland unless an Agency permit is first obtained. From your description of the project and the map supplied, it appears that the project will not involve or affect any wetland. Enclosed for your information is a flyer which briefly outlines the types of activities which require an Agency wetland permit.
3. The local land use regulations administered by the Town also limit the use of property and specify lot size and dimensions, setbacks for structures, building height and septic system requirements.

The proposal may require approvals from other government entities. We also recommend that you check with county, other state and with federal agencies as necessary prior to undertaking your project.

If you have any questions, please feel free to contact the Agency again.

Sincerely,

  
Denise M. Wagner  
Project Administrator

DMW:DWM:mp

cc: Douglas Rock, Town of Willsboro Code Enforcement Officer (via email)  
NYS DEC, Reg. 5 (via email)

