



LEWIS COUNTY - STATE OF NEW YORK  
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\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

Party1: CHAMPION REALTY CORPORATION  
Party2: SOFT MAPLE FLOW HOMEOWNERS  
ASSOCIATION  
Town: CROGHAN  
WATSON

Record and Return To:

STAFFORD OWENS CURTIN  
ONE CUMBERLAND AVE  
PLATTSBURGH NY 12901

Handwritten signature of Douglas P. Hanno in cursive.

Douglas P. Hanno  
Lewis County Clerk

# Declaration of Protective Covenants, Conditions and Restrictions

## Soft Maple Flow Subdivision

In this declaration, the *Declarant* is **Champion Realty Corporation**, a Delaware corporation with a place of business in Memphis, Tennessee. The *Property* means the real property described below. A *Lot* means any of the numbered lots shown on the plans described below. An *Owner* means any owner of any Lot, and does not mean mortgagees or others who hold an interest in a Lot or title solely as security. The *Association* means the Soft Maple Flow Homeowners Association, Inc., a New York non-profit corporation.

### DECLARATION

The Declarant, being the owner of the Property, in order to provide for the maintenance of the common access road serving the Lots and the responsible management of the Lots, hereby declares that the Property is, and forever after shall be, held, transferred, sold, and conveyed subject to the covenants, conditions and restrictions, set forth below, which shall run with the land and may be enforced by the Declarant, the Association, or any Owner, and by the State of New York, the NYS Adirondack Park Agency and the NYS Department of Health as to matters within the purview of their respective regulatory authority.

### PROPERTY SUBJECT TO THIS DECLARATION

The Property which is subject to this Declaration is located in the Towns of Croghan and Watson, in Lewis County, New York, and is more particularly bounded and described as Lots 1 through 64 with Lot Numbers 34, 38, 60 and 61 being intentionally omitted as set forth on the plans entitled Map of Subdivision Soft Maple Flow Lots dated October 13, 2010 and last revised on June 4, 2012 and recorded in the Lewis County Registry of Deeds on April 17, 2013 under Instrument Number 2013-003064 (the "Subdivision Map" or "Map").

### COVENANTS, CONDITIONS AND RESTRICTIONS

1. Each Lot listed on Appendix I attached hereto and made a part hereof (each a "Building Lot") may be used only for seasonal, single-family, dwelling and recreational purposes and may not have more than one (1) "principal building" as such term is defined in Section 802 (50) of the Adirondack Park Agency Act (the "APA Act"). There shall be no boathouses permitted on any of these Lot(s).

2. The Subdivision must comply with the Subdivision Map, which bears the stamp of the New York State Department of Health (Department), as evidence of approval and which has been filed with the Lewis County Clerk's Office on April 17, 2013 under Instrument Number 2013-003064.

3. An Owner and its successors in interest must comply with the terms and conditions of Adirondack Park Agency (APA) Permit No. 98-313, as amended, and any successor permit or approval thereto, as well as the Subdivision Map.

4. The installation of a water supply system or sewage treatment system that deviates from the requirements set forth on the Map by employing any technology or methodology other than that specified on the Map shall be permitted only after an Owner has obtained written approval from the Department District Director, Watertown District Office, New York State Department of Health, Dulles State Office Building, 317 Washington Street, Watertown, New York, 13602-3744 and the NYS Adirondack Park Agency.

5. Every Lot must, prior to any modification or capital improvement to the premises or upon the failure of an existing wastewater treatment system or water supply system, install a wastewater treatment system or water supply system in accordance with the requirement of the Map and any applicable covenants, restrictions and conditions. Within sixty (60) days of any such installation, the Owner must provide the Department (District Director, Watertown District Office, New York State Department of Health, Dulles State Office Building, 317 Washington Street, Watertown, New York, 13602-3744) with a certification by a licensed professional engineer stating that the installed system(s) conforms to the requirements of the Map and any applicable covenants, restrictions and conditions.

6. No Lot may be used for commercial purposes.

7. Use of any Lot shall at all times comply with applicable statutes, laws, rules and regulations, including, but not limited to, the terms and conditions of APA Permit No. 98-313 as it may be amended.

8. No Lot may be further subdivided.

9. There shall be no disturbance of the wetlands without obtaining the necessary approval from the Adirondack Park Agency.

10. There shall be no vegetative cutting on a Lot within thirty-five (35) feet of the mean high water mark (MHWM) of Soft Maple Reservoir or on any slopes greater than 25%, except that a footpath limited to a maximum of four (4) feet in width is allowed to provide access to the shoreline.

11. The maximum total footprint of all structures on a Lot shall not exceed 1,500 square feet. This includes the camp and any decks, porches, garages, woodsheds, generator shed and lean-tos.

12. The maximum height of any structure, measured from the lowest point where the structure meets the natural grade to the highest point, including the chimney, shall not exceed 28 feet.

13. No greater than 100 square foot structures (except for docks meeting APA requirements) may be located within 100 feet of the mean high water mark (MHW) of Soft Maple Flow.

14. No new basements shall be constructed. Structures may be built on piers, slabs or frost walls, but no useable basement space shall be constructed. No existing basement space may be expanded.

15. There will be no public utility electric service brought to Lots.

16. The acceptance of a deed of a Lot automatically terminates any lease of the Lot which may exist between the Declarant and the Owner(s), without need of any further instrument.

17. Conflict with Municipal Laws. The protective Covenants, Conditions and Restrictions set forth herein shall not be taken as permitting any action or thing prohibited by the applicable zoning laws, or the laws, ordinances, rules or regulations of any governmental authority, or by specific restrictions imposed by any deed or lease.

18. Attorneys' Fees. Any party to a proceeding, including the State of New York, who succeeds in enforcing a Covenant, Condition or Restriction or enjoining the violation of a Covenant, Condition or Restriction against an Owner of a Lot shall be entitled to reasonable attorneys' fees against such Owner.

19. Erie Boulevard Hydropower, L.P. (i.e. Brookfield Renewable Power, Inc.), and/or its successors and assigns (hereinafter "E.B.H., L.P.") owns, maintains and operates Soft Maple Reservoir (the "Reservoir") subject to certain regulations promulgated by the Federal Energy Regulatory Commission and other applicable agreements. E.B.H., L.P. has the right to regulate the water level of the Reservoir. E.B.H., L.P. prohibits the erection of any structures or any permanent docking or mooring facilities in the Reservoir unless an Owner has obtained from E.B.H., L.P. any necessary permits and/or licenses. Use of the Reservoir is subject to any rules and regulations imposed by E.B.H.,L.P., including any fees, if any, charged by E.B.H.,L.P. and by acceptance of a deed for a Lot, an Owner acknowledges and agrees to comply with such rules and regulations and Declarant shall have no responsibility or liability for an Owner's compliance with same.

20. The Property is subject to that certain Road Maintenance Agreement recorded in the Lewis County Clerk's Office on or after the date of this Declaration.

21. The restrictive covenants provided herein shall be included in all conveyances by Declarant, an Owner, and/or any successors in interest with regard to the Subdivision. The failure to include these restrictive covenants shall not mean that they do not bind future owners.

22. The State of New York shall be a beneficiary of the restrictive covenants provided herein and shall have the right to enforce any such restrictive covenant for the benefit, and to protect the health, of the People of the State of New York. The State or any other beneficiary may take any lawful action to enforce the covenants.

23. The Boat Launch parcel is an unimproved lot containing 0.38-acre, being located between Lot 2 and Lot 57 as shown on Sheet 2 of 7 of the Soft Maple Flow Lots Subdivision Map.

24. Subject to the approval of the Office of the Attorney General, State of New York, the 0.38-acre parcel shall be conveyed to the Association. The use of the parcel shall be limited to the Members of the Association for the purpose of launching and removing watercraft from the Soft Maple Reservoir and for all related purposes permitted by law and the Association. Parking of vehicles and trailers used for transporting such watercraft to the Boat Launch parcel shall be permitted on-site while such watercraft is in use.

The Association shall have the right to improve the existing boat ramp and install docks or other structures related to the above described permitted use. Any such improvements or installations shall be subject to the Association securing the appropriate approvals and obtaining the necessary permits, as the case may be, from all governmental authorities and other entities having jurisdiction over such matters, which may include, but may not be limited to, the Adirondack Park Agency, the New York State Department of Environmental Conservation, the US Army Corps of Engineers, and the Town of Croghan. The Association will also be responsible for obtaining any necessary licenses from E.B.H., L.P, to the extent such improvements or installations are situated upon E.B.H., L.P. property.

The Association will be responsible for all costs associated with the maintenance and repair of the Boat Launch parcel and of any improvements located thereon as well as any costs associated with the installation of any additional improvements thereon, and enforcement of parking and other requirements in this Section 24.

The Boat Launch parcel shall not be further subdivided or have any on-site sanitary (privy or on-site effluent disposal system) or potable water (well) facilities installed thereon.

25. At such time that the Declarant has transferred all of the Lots, the Declarant will no longer have any ownership interest in the Property or the right or obligation to enforce any covenant contained herein. Upon the transfer of all of the Lots, the covenants, conditions and restrictions, set forth herein, may be enforced by the Association, or any Owner, and by the State of New York, the New York State Adirondack Park Agency and the New York State Department of Health as to matters within the purview of their respective regulatory authority.

26. No provision of this Declaration, may be modified, altered, amended or waived, except at a duly called meeting of the Association and on the following conditions:

a. A notice of the meeting containing a full statement of the proposed modification, alteration, amendment or waiver has been sent to all Members of the Association as listed on the books and records of the Association as defined in the Declaration of Easement, Road Maintenance and Boat Landing Lot Agreement, which is recorded in the Lewis County Clerk's Office, (the "Road Maintenance Agreement") no less than thirty (30) days nor more than fifty (50) days prior to the date of the meeting; and

b. Sixty-six and two-thirds (66 2/3%) percent or more in number of all Members approve the modification, alteration, amendment or waiver; and

c. Until the transfer of a majority (defined as 51%) of the Lots the prior written consent of the Declarant, shall be required for any modification, alteration, amendment or waiver to this Declaration or any exhibit thereto that adversely affects a substantial interest or right of the Declarant (as determined by the Declarant, in its sole judgment) to become effective, which consent may not be unreasonably withheld.

d. An instrument evidencing the modification, alteration, amendment or waiver is duly recorded in the Office of the Lewis County Land Records.

e. Any such modification, alteration, amendment or waiver of any provision of this Declaration is subject to the approval of the New York State Adirondack Park Agency and, if applicable, the New York State Department of Health.



APPENDIX I

LISTING OF BUILDING LOTS


Lots SMF-BL 1 through SMF-BL 33

Lots SMF-BL 35 through SMF-BL 37

Lots SMF-BL 39 through SMF-BL 59

Lots SMF-BL 62 through SMF-BL 64

THIS PERMIT AMENDS PERMIT 98-313 ISSUED JUNE 28, 1999  
THIS IS A TWO SIDED DOCUMENT

 <p><b>Adirondack parkagency</b></p> <p>P.O. Box 99 · Ray Brook, New York 12977 · (518) 891-4050</p>	<p><b>APA Project Permit 98-313D</b></p>
<p>In the Matter of the Application of</p> <p><b>CHAMPION REALTY CORPORATION</b></p> <p>for an amendment to Permit 98-313 pursuant to §§809(2)(a) and (8)(b) and 810(1)(e)(3) of the APA Act.</p>	<p>Date Issued: March 28, 2013</p> <p>To the County Clerk: This permit must be recorded on or before <b>May 27, 2013</b>. Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none"><li><b>1. Champion Realty Corporation</b></li></ol>

SUMMARY AND AUTHORIZATION

Champion Realty Corporation is granted an amended permit, on conditions, authorizing the creation and sale of sixty (60) lots in a seasonal use subdivision known as "Soft Maple Flow Lots" (SMFL), as depicted on the site plan described below, in an area classified Resource Management by the Official Adirondack Park Land Use and Development Plan Map in the Towns of Croghan and Watson, Lewis County.

The amended project may not be undertaken until this amended permit is recorded in the Lewis County Clerk's Office. This amended permit shall expire unless so recorded on or before May 27, 2013 in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.

The amended project shall not be undertaken unless the project authorized herein is in existence within four years from the date the permit is recorded. The Adirondack Park Agency ("Agency") will consider the amended project in existence when at least one of the sixty (60) lots has been conveyed.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

### BACKGROUND

Project 98-313, as originally proposed by Champion International Corporation ("CIC") in 1999, consisted of a multiple lot subdivision involving 139,000 acres located in nine towns in Franklin, St. Lawrence, Lewis and Herkimer Counties. As part of that project, CIC also sought approval for the sale of up to ninety-eight lots at the site of two, existing, seasonal use "lease subdivisions" located in a southwestern portion of its so-called "Croghan Tract", on the north and south shores of Soft Maple Reservoir, in an area classified Resource Management in the Towns of Croghan and Watson, Lewis County. The two subdivisions are known as "Eagle Falls Camp Lots" ("EFCL") and "Soft Maple Flow Lots" ("SMFL") and they are situated on two geographically separate tracts of land.

However, Agency Permit 98-313, issued June 28, 1999, provided only "conditional approval" for the sale of lots in those subdivisions, in that Condition 9 of the permit states that no lot may be sold unless or until an amended permit is issued by the Agency. Amended permit(s) could not be issued, however, until remediation of certain violations was completed and certain additional information related to the proposed subdivision was submitted by the applicant/landowner and approved by the Agency.

Following issuance of APA Permit 98-313, Champion Realty Corporation ("CRC" or "Champion") began providing the Agency with the information required by (i) the April, 1999 Settlement Agreement entitled "Agreement with respect to Violations pursuant to Section 813 of the Adirondack Park Agency Act and 9 NYCRR Parts 577 and 578 (Enforcement File E99-25)" to resolve violations on the project site for Project 98-313 (which violations included certain noncompliance with APA Act §806 and other restrictions at the EFCL and SMFL sites) and (ii) Condition 9 of Permit 98-313. Submissions included resource inventories, mapping, development and wastewater treatment system plans, draft deed restrictions, covenants and homeowners association documents and information on the status of other governmental approvals; the materials were received over a multi-year time period, as staff was advised that CIC and CRC were involved in securing approvals to sell numerous other parcels throughout the northeast and in other states. Submissions by CRC specifically related to EFCL and SMFL included remediation plans for the violations identified at individual leased parcels in the two lease subdivisions, confirmation of remediation completion, a detailed resource inventory for the lots including wetlands and slope mapping, professionally prepared subdivision and wastewater treatment system plans, draft deed covenants, and information on compliance with requirements of NYS Departments of Health and Law, among other items.

At various points over the past several years the Agency has reviewed and approved the various submissions, and remediation of violations at the EFCL and SMFL subdivisions. Upon completion of required submissions and remediation for the EFCL subdivision, CRC applied for and was issued (on April 13, 2010) amended permit 98-313C which authorized the sale of the 34 lots in the EFCL subdivision.

Remediation of violations at SMFL has now been completed and Enforcement case (E99-25 SMFL) was closed on December 11, 2012. Subsequently, CRC's request for an amended Agency permit authorizing the conveyance of SMFL lots was transferred to the Agency Regulatory Programs Division and assigned project number 98-313D.

#### AGENCY JURISDICTION

The sale of lots at the site of the SMFL "lease subdivision" would constitute the undertaking of a subdivision in an area classified Resource Management by the Official Adirondack Park Land Use and Development Plan Map, a Class A Regional Project requiring an Agency permit pursuant to Section 810(1)(a)(3) of the APA Act. The construction of a new single family dwelling in a Resource Management area would constitute a Class B Regional Project requiring an Agency permit pursuant to Section 810(2)(d)(1). This amended permit is also issued based on permit jurisdiction reserved in Condition 9 of Permit 98-313.

#### PROJECT SITE

The project site for SMFL is approximately 104± acres located on the north shore of Soft Maple Reservoir in the Towns of Croghan and Watson, Lewis County in an area classified Resource Management by the Official Adirondack Park Land Use and Development Plan Map. Most of the project site is designated 105-1-2.11 on the Town of Croghan Real Property Tax Map and 119-3-1 on the Town of Watson Real Property Tax Map. These tax parcels which constitute the majority of the project site are described in a deed from Champion International Corporation to Champion Realty Corporation dated June 24, 1999 which was recorded January 7, 2000 in the Lewis County Clerk's Office in Liber 653 of Deeds at Page 267. Small portions of the project site, measuring 3.08± acres, 0.88± acres and 0.77± acres which were part of Croghan tax designation 105-1-2.12, were conveyed from Heartwood Forestland Fund III to Champion Realty Corporation by three deeds dated November 2, 2011 and recorded November 23, 2011 in the Lewis County Clerk's Office as Instrument Numbers: 2011-005761; 2011-005760; and 2011-005759, respectively.

PROJECT DESCRIPTION AS PROPOSED

The project as originally proposed and conditionally approved in Permit 98-313 is described as a subdivision consisting of the proposed sale of up to sixty-four (64) lots in an existing "lease subdivision" known as "Soft Maple Flow Lots". Following issuance of Permit 98-313, a number of requirements related to the SMFL subdivision needed to be (and have now been) satisfied before this amended permit could be issued.

The current proposal includes the sale of sixty (60) lots on the SMFL lease subdivision. The project is described on eight sheets of plans prepared by Thew Associates, consisting of the cover sheet titled "Map of Subdivision Soft Maple Flow Lots International Paper Realty Corporation" dated 10/13/2010 and Sheets 1 of 7 through 7 of 7 last revised 06/04/2012. Reduced scale copies of the eight sheets of plans (hereinafter "Project Plans") are attached as a part of this permit for reference. The original, full-scale maps and plans referenced in this permit are the official plans for the project.

The sixty (60) proposed lots have historically been used only on a seasonal basis for residential and recreational purposes and are limited to that use by Permit 98-313. The Lots are now proposed to be sold on that basis. No public utilities serve the lots and none are proposed.

As shown on the Project Plans, the sixty (60) lots are numbered 1-33, 35-37, 39-59, and 62-64. There is no lot numbered 34, 38, 60 or 61. Forty-six (46) of the sixty (60) lots are currently improved by an existing camp and fourteen (14) are currently vacant. As depicted on Plan Sheets 1 of 7 through 5 of 7, the fourteen (14) lots that are currently vacant include Lots 11, 21, 22, 25, 41, 43, 45, 46, 48, 51, 54, 55, 57 and 58; all of which are designated as building lots for purposes of the construction of one a single family dwelling to be used on a seasonal basis. In addition to the sixty (60) camp lots, a 0.38± acre "Boat Launch" parcel is proposed as a non-building lot to be conveyed to the Soft Maple Flow Home Owners Association to provide common access to the Soft Maple Flow. The Boat Launch parcel is located between Lot 2 and Lot 57 as shown on Sheet 2 of 7 of the Soft Maple Flow Lots Subdivision Map. No camp will be constructed on the 0.38± acre Boat Launch parcel.

A Declaration of Protective Covenants, Conditions and Restrictions further defines and implements the seasonal use nature of this project, with key limitations on use and development including:

- The maximum total footprint of all structures on a lot may not exceed 1,500 square feet (this limit would apply prospectively with existing structures on those few lots exceeding the maximum allowed to remain and be replaced);
- The maximum height of any structure is limited to 28 feet;
- No new basements are authorized;
- New camps may be built on piers, slabs or frost walls;
- No public utility electric service to the lots; and
- Lots are to be used for seasonal, single family dwelling and recreational use, with no commercial use authorized.

The Project Plans have been signed as approved by the applicant, the Towns of Croghan and Watson, and New York State Department of Health.

#### CONDITIONS

BASED UPON THE FINDINGS BELOW, THE AMENDED PROJECT IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. All conditions in Permit 98-313 remain in full force and effect unless specifically amended herein.
2. The amended project shall be undertaken as described in the request for an amended permit and the Project Description as Proposed herein, and in compliance with the Conditions herein. In the case of conflict, the Conditions control. Failure to comply with the permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.
3. This permit is binding on the applicant, all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this permit and the Project Plans referred to herein shall be furnished by the applicant to all subsequent owners or lessees of the project site prior to sale or lease. 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 98-313 issued June 28, 1999 and Permit 98-313D issued March 28, 2013, and Settlement Agreement"

for Agency File E99-25 the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

4. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.
5. A complete set of the Project Plans referred to herein which have been signed by the Towns of Croghan and Watson, the New York State Department of Health, Adirondack Park Agency, and the applicant shall be recorded in the Lewis County Clerk's Office prior to the conveyance of any of the sixty lots authorized by this permit.
6. The proposed subdivision and land use and development related thereto shall be undertaken solely as shown on the Project Plans.

Structures / Seasonal Use

7. Lots in this subdivision shall be used only on a seasonal basis and not for year-round occupancy. Seasonal usage shall be defined as, and controlled by, compliance with the "Declaration of Protective Covenants, Conditions and Restrictions" and other limitations set forth in the Findings of Fact and Conditions below and not by any numerical limit on the number or frequency of camp visits or the total days of camp usage per year. Lots are limited to non-commercial, residential and recreational use. No lots shall be used for commercial purposes.
8. The maximum total footprint of all structures on individual lots shall not exceed 1,500 square feet per lot (except for those few lots where existing structures exceed that limit, which structures will be allowed to remain and be replaced). The maximum height of any structure, measured from the lowest point where the structure meets the natural grade to the highest point, including the chimney, shall not exceed 28 feet.
9. No new basements shall be constructed. Structures may be built on piers, slabs or frost walls, but no useable basement space shall be constructed and no existing basement space shall be expanded.

10. Purchasers proposing to construct camps on the vacant lots as identified in the project description shall submit plans to the Agency for review and receive approval in the form of a letter of compliance or amended permit prior to disturbance on the lot.
11. Each lot may not have more than one "principal building" as that term is defined in section 802(50) of the APA Act and no lot may be further subdivided.

#### Building Color

12. All exterior building materials, including roof, siding and trim, used to surface the exterior of new structures authorized herein shall be of a color which blends with the existing vegetation. The Agency will, upon request, advise whether any particular proposal complies with this condition.

#### Outdoor Lighting

13. Any new free-standing or building mounted outdoor lights shall employ full cut-off fixtures, that is, they shall be fully shielded to direct light downward and not into the sky. The fixtures shall be oriented so as to not cast light toward Soft Maple Flow or adjacent properties. Although the lots authorized herein shall have no public electric utilities (Condition 22), this condition still applies to outdoor lights powered by solar, generator or other alternative power sources.

#### Wetlands

14. Beyond the subdivision authorized herein, no "regulated activity" as defined in the Agency's Freshwater Wetland Regulations (9 NYCRR Part 578) shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development in, subdivision of, clearcutting more than three acres within, or dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, which pollutes it or substantially impairs its functions, benefits or values.

#### Wastewater Treatment / Water Supply

15. All lots improved by a cabin must have a lawful, functioning wastewater treatment system in place prior to the sale of the lot, which shall consist of either (i) a sanitary pit privy for blackwater and a gray water infiltration trench for disposal of kitchen sink graywater (both meeting the minimum 100 foot shoreline sewage system setback restriction and non-pressurized

water supply); or (ii) an on-site, in-ground wastewater treatment system installed in accordance with the approved wastewater treatment system plans and located as shown on the plans.

Installation of all new and replacement systems shall be under the supervision of a licensed design professional (licensed Professional Engineer, Registered Architect, or exempt Licensed Surveyor). 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 built in compliance with the approved plans.

16. Due to the involvement of wetlands, prior to the installation of any on-site wastewater treatment system on Lot 64, the lot owner shall submit wastewater treatment plans, prepared by a New York State licensed professional engineer, to the Agency for review and approval in the form of a letter of permit compliance or further amended permit. Prior to the utilization of the system written certification from a New York State licensed professional engineer shall be provided to the Agency that the on-site wastewater treatment system has been installed on this lot in accordance with Agency approved plans
17. On lots 1, 10, 14, 16, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 33, 40, 42 and 45 the soil beneath the absorption systems shall be amended in accordance with Absorption Field Note 12 on Sheet 7 of 7 of the Project Plans, so as to decrease the soil percolation rates prior to installing systems on those lots within 200 feet of the mean high water mark.
18. The water supply and wastewater treatment facilities shall be installed in accordance with the Project Plans referred to herein prior to occupancy of any single family dwelling on (currently vacant) Lots 11, 21, 22, 25, 41, 43, 45, 46, 48, 51, 54, 55, 57 and 58. Written certification from a design professional (licensed Professional Engineer, Registered Architect, or exempt Licensed Surveyor) shall be provided to the Agency that each new or replacement on-site wastewater treatment system has been installed in accordance with the Project Plans prior to the utilization of each such system.

#### Shoreline

19. There shall be no vegetative cutting on any lot within 35 feet of the mean high water mark of Soft Maple Reservoir or on slopes greater than 25%, except that a footpath limited to a maximum of four feet in width is allowed to provide access to the shoreline.

20. No boathouse shall be permitted on any lot.
21. All structures greater than 100 square feet in size shall be located a minimum of 100 feet from the mean high water mark.

Future Development

22. There shall be no public utility electric service brought to SMFL lots.
23. There shall be no further subdivision, new land use or development beyond that authorized herein without further Agency review and approval in the form of a new or amended Agency permit.

Legal Interests of Others

24. This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project or subdivision, nor does it authorize the impairment of any easement, right, title or interest in real or personal property held or vested in any person.

FINDINGS OF FACT

1. Permit 98-313 issued June 28, 1999 was recorded July 1, 1999 in the Lewis County Clerk's Office) and remains in effect. Findings of Fact 1-6, 12, 14 and 30 and Conditions 1-3, 5-6, 9 and 10 relate to Soft Maple Reservoir and the "Soft Maple Flow Lots" (SMFL) subdivision. The permit gave "conditional approval" for a proposal to sell up to ninety-eight lots in two subdivisions (up to 34 in EFCL and up to 64 in SMFL) for seasonal single family dwelling use provided (i) certain resource inventory, wastewater treatment system plans, a revised plat, authorizations from NYS Departments of Health and Law and other information were first submitted to and where necessary approved by the Adirondack Park Agency; (ii) APA Act violation remediation was completed at the project site; (iii) CRC completed bundling and re-drawing certain lot lines, as well as the preparation of new plats; and (iv) an amended Agency permit was issued authorizing the actual conveyance of lots. Violation remediation relates to certain violations identified in a 1999 settlement agreement (Agency File E99-25) involving the Agency, CIC and other parties (as well as certain violations identified in subsequent CIC investigations), all as further described in Permit 98-313. Most of the violations involved noncompliance with §806 shoreline building setback and sewage system setback restrictions and failure to

obtain permits for certain single family dwellings. Historically, these two subdivisions have only involved the lease of lots for seasonal recreational and residential use.

2. Previously (as required by Permit 98-313 and E99-25) CRC submitted additional information and remediation of violations within the EFCL subdivision. Subsequently, Agency Permit amendment 98-313C was issued on April 13, 2010 and authorized the sale lots in the EFCL subdivision.

In 2012, CRC submitted additional information with regard to SMFL subdivision and remediation of violations within that subdivision, and submitted a formal request that permit 98-313 be amended to authorize conveyance of lots in SMFL. Accordingly, this amended permit can now be issued approving the actual sale of lots in the SMFL subdivision.

#### History of Land Use at the Site

3. As of the May 22, 1973 enactment date of the Adirondack Park Land Use and Development Plan, the SMFL project site was part of forestry lands owned by St. Regis Paper Company. (After 1973, St. Regis Paper Company was acquired by and merged with CIC.) Lots containing these camps as well as vacant lots being leased by St. Regis Paper Company for seasonal, residential and recreational use. The uses continued post-1973, with leasing by CIC and later CRC following their acquisition of the property in 1999. Lots in the SMFL subdivision have since been re-configured and bundled together, resulting in the current sixty (60) lot proposal.
4. During the years following 1973, use as a "lease" subdivision continued, involving recreation camps on separate lots, with additional recreation camps gradually being added at the site until 1999, when the property was proposed to be sold by CIC. Though an Agency permit was required for the post-August 1, 1973 camps (which constituted "single family dwellings" pursuant to sections 802(58) and 810(2)(d)(1) of the APA Act) and for the additional leased lots created (which constituted the subdivision of land requiring a permit pursuant to section 810(1)(e)[3]), no permit was applied for or issued to the then-owners. The matter of the failure to obtain an Agency permit was resolved by the 1999 settlement agreement referred to above.

#### Seasonal Use

5. Permit 98-313's conditional approval of CIC's proposal to sell up to a total of 98 lots at the EFCL and SMFL subdivisions was based in part on the understanding that the use of such lots, once

sold, would continue to be limited to "seasonal single family dwelling use" only. This seasonal use requirement is set forth in Finding of Fact 12 and Condition 10 of Permit 98-313 and recognizes the historic use of these two sites for seasonal residential and recreational purposes and the fact that the sites involved, for the most part, are remote rustic structures not served by public utility electric power.

6. As part of Agency staff's review of CRC's request for amended permits to convey lots in EFCL and SMFL, CRC and staff undertook a series of meetings, discussions and exchanges of correspondence to define how the seasonal use limitation would be implemented as part of these projects. As a result of these discussions it was determined that the applicant would ensure continuation of the seasonal use nature of SMFL by implementing a number of structural and functional limitations enforced by a recorded Declaration of Protective Covenants, Conditions and Restrictions, a Homeowners Association and permit conditions. First, CRC agreed to limit the proposed subdivision in certain key structural respects. The maximum total footprint of all structures on each subdivision lot will not exceed 1,500 square feet. (The limitation would be applied prospectively; structures on those few lots exceeding that square footage limitation would be allowed to remain.) The height of any structure, measured from the lowest point where the structure meets the natural grade to the highest point, including the chimney, will not exceed 28 feet. No new basements may be constructed. New structures may be built on piers, slabs or frost walls, but no usable basement space may be constructed and no existing basement space may be expanded. In addition, there will be no public utility electric service brought to lots. Finally, Covenants and permit conditions would also explicitly limit usage to "seasonal" residential and recreational use.
7. As a result of Agency staff's discussions with CRC and in recognition of the above "seasonal use" limitations that CRC was proposing, review staff in consultation with Agency executive staff agreed (i) that such limitations would define seasonal use and (ii) that where existing camps were served by sanitary privies and kitchen sink leach pits with non-pressurized water supply, i.e., a hand pump or hand-carried water system, there would be a presumption of compliance with the seasonal use limitation. It was further agreed seasonal use would not be defined by counting the number of days of camp usage or the frequency of camp visits. In addition, staff agreed that: (i) given the rustic nature of many of the existing camps and staff's desire to keep them "low-impact", use of "a sanitary privy together with an in-ground leach pit for graywater (both meeting the 100 foot shoreline setback regardless of soil percolation

rate)" would be acceptable to the Agency; (ii) use of an Amended Soil System for any blackwater wastewater treatment system on the site where the percolation rate is between 0 and 3 minutes per inch would be acceptable, thus eliminating the need for the 200-foot waterbody setback for fast percolation rate soils; and (iii) the Agency would allow the creation of easements for wastewater treatment system locations on adjoining or nearby lots if there is no suitable "on-lot" location.

#### Proposed Sale of Lots

8. CRC's present proposal is to sell on a "fee ownership" basis sixty (60) individual SMFL lots for seasonal, single family dwelling and recreational use. The sixty (60) lots are numbered 1-33, 35-37, 39-59, and 62-64, as shown on the Project Plans referenced herein. It is expected that a number of the lots will be conveyed to individuals who have leased these lots in the past. Forty-six (46) of the sixty (60) lots are currently improved by an existing camp and fourteen (14) are currently vacant. As depicted on Plan Sheets 1 of 7 through 5 of 7, the fourteen lots that are currently vacant include Lots 11, 21, 22, 25, 41, 43, 45, 46, 48, 51, 54, 55, 57 and 58; all of which are designated as building lots for purposes of the construction of one single family dwelling to be used on a seasonal basis. In addition to the sixty (60) camp lots, a 0.38± acre "Boat Launch" parcel is proposed as a non-building lot to be conveyed to the Soft Maple Flow Home Owners Association to provide common access to the Soft Maple Reservoir. No camp will be constructed on the 0.38± acre Boat Launch parcel.

#### Existing Environmental Setting

9. The SMFL project site is located on the north shore of Soft Maple Reservoir, in the Towns of Watson and Croghan. The bed of Soft Maple Reservoir, is owned by Erie Boulevard Hydropower, L.P. and/or its successors and assigns. The mean high water mark of the reservoir is shown on the plans as the 1290 foot contour.
10. Lot areas for the proposed sixty (60) lots range from .30± acre to 6.21± acres. Shoreline lot widths for the sixty (60) lots range from less than 100 feet to more than 700 feet. (Substantial stretches of additional shoreline both east and west of the project site were conveyed from CIC to Heartwood Forestland Fund III, LP and are protected by a Conservation Easement administered by DEC.) Given the numerous restrictions on the project site, the proposal would comport with the shoreline lot width clustering provisions pursuant to §806(5) of the Act.

11. Vehicle access to the SMFL subdivision is from existing gravel roads. All driveways are intended to remain unpaved dirt or gravel roads. Repair and maintenance of the common roadways is addressed in the Homeowners Association bylaws and Road Maintenance Agreement described below.

Declaration of Protective Covenants,  
Conditions and Restrictions

12. Existing camps are located on forty-six (46) of the sixty (60) lots. On each of the fourteen (14) lots that are currently vacant (Lots 11, 21, 22, 25, 41, 43, 45, 46, 48, 51, 54, 55, 57 and 58) one new single family dwelling to be used on a seasonal basis will be constructed. An additional vacant lot is proposed as the 0.38± acre "Boat Launch"; this parcel will be a non-building lot to be conveyed to the Soft Maple Flow Home Owners Association to provide common access to the Soft Maple Reservoir.
13. Although the sixty (60) camps in the SMFL subdivision are to be used on a seasonal basis only, they will still constitute "single family dwellings" pursuant to section 802(58) of the APA Act, because the statutory definition is all encompassing to include "any detached building containing one dwelling unit." No additional principal buildings (in excess of 60) are being proposed for this subdivision and none are authorized. Deeds to individual lots will reference a Declaration of Protective Covenants, Conditions and Restrictions which prohibits further subdivision of any of the sixty (60) lots and limits the total number of principal buildings.
14. Covenants also address a number of other restrictions. Such as, there is no public utility electric service for this subdivision. The camps at SMFL are proposed for residential and recreational use on a seasonal basis only. No permanent, year round occupancy is being proposed and none is authorized by this permit or the earlier Permit 98-313. To ensure that the use remains seasonal, the following restrictions are contained in the Declaration of Protective Covenants, Conditions and Restrictions: (i) the lots may be used only for seasonal, single family dwelling purposes (not for year-round, permanent occupancy; (ii) each lot may not have more than one single family dwelling; (iii) no boathouse shall be permitted on any lot; (iv) lots may not be used for commercial purposes; (v) use of the lots must comply with all applicable statutes and regulations, including Permit 98-313 and this amended permit, Permit 98-313D; (vi) lots may not be further subdivided; (vii) there shall be no vegetative cutting on the lots within 35 feet of the mean high water mark of the Reservoir

or on any slopes exceeding 25%, except for a four foot wide footpath providing access to the shoreline; (viii) the maximum total footprint of all structures on the lot shall not exceed 1500 square feet (which limit would apply prospectively, allowing the existing structures on those few lots exceeding the maximum to remain and be replaced); (ix) the maximum height of any structure shall not exceed 28 feet (measured from the lowest point where the structure meets the natural grade to the highest point, including the chimney); (x) no greater than 100 square foot structures (except for docks meeting APA requirements at 9 NYCRR 570.3[j]) may be located within 100 feet of the mean high water mark; (xi) no new basements shall be constructed; rather, structures may be built on piers, slabs or frost walls; no existing basements may be expanded; and (xii) no public utility electric service shall be brought to lots. In addition to the Declaration of Protective Covenants, Conditions and Restrictions setting forth the above restrictions, a "Road Maintenance Agreement" will be recorded in the Lewis County Clerk's Office to address road usage, repair and maintenance for the common access roadways.

#### Wastewater Treatment Systems

15. In accordance with the 1999 Settlement Agreement and Permit 98-313, and as further described in staff's January 25, 2005 correspondence with Counsel for CRC, for all lots containing a camp to be considered in compliance with Permit 98-313 and violation settlement terms, they must have an existing, functioning, in-ground wastewater treatment system on the lot, but that system may consist of either: (i) a sanitary pit privy for blackwater and a rock lined pit for disposal of graywater, both meeting the minimum 100 foot shoreline sewage system setback restriction; or (ii) an on-site, in-ground wastewater treatment system installed in accordance with the approved wastewater treatment system plans and located as shown on the plans.
16. As shown on the Project Plans, the proposed absorption field for Lot 64 is located within 100 feet of wetlands. As a result, engineered plans are required for review and approval.
17. Lots 1, 8, 10, 14, 16, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 33, 40, 42 and 45 all have percolation rates of 3 minutes/inch or less. Absorption systems on each of these lots, except for Lot 8, are proposed within the 200 foot Agency required setback and thus amended soils are required.

Access Roads

18. As shown on the Project Plans, the unpaved gravel road which accesses SMFL subdivision is identified as "Soft Maple Drive" and includes a short connector road (approximately 500 feet) that connects with Fish Creek Road, a county public highway. Soft Maple Drive runs throughout the subdivision and provides access to each SMFL lot; it will remain a private roadway maintained and repaired by the Soft Maple Flow Homeowners Association, Inc. There is currently no proposal to upgrade the access roads from their existing size and condition. The driveways will continue to contain an unpaved, gravel surface.

Homeowners Association

19. The Soft Maple Flow Homeowners Association, Inc., a New York non-profit corporation will be responsible for enforcing the covenants, conditions and restrictions set forth in the Declaration of Protective Covenants, Conditions and Restrictions. The Declaration of Protective Covenants, Conditions and Restrictions, state that, "Upon the transfer of all of the Lots, the covenants, conditions and restrictions, set forth [t]herein, may be enforced by the Association, or any Owner, and by the State of New York, the New York State Adirondack Park Agency and the New York State Department of Health as to matters within the purview of their respective regulatory authority."

Wetlands

20. Wetlands as shown on the Project Plans and described herein are intended to alert landowners and others that wetlands are present on the project site. However, this may not identify all wetlands on or adjacent to the project site. No disturbance of or impact to any wetlands should occur without first checking with APA and receiving any necessary approvals.

Project Impacts

21. There will be no undue adverse impact to ground or surface water quality from the project, given the seasonal use limitations and provided construction of wastewater treatment systems is in compliance with the Project Plans, engineering standards and shoreline setbacks. Privy and graywater systems must comply with the 100 foot shoreline sewage system setback restriction and conventional, in-ground on-site wastewater treatment systems must comply with the applicable 100-foot shoreline sewage system

setback restriction. Lots 1, 8, 10, 14, 16, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 33, 40, 42 and 45 all have soil percolation rates of 3 minutes/inch or less. Use of amended soils at the absorption fields for the wastewater treatment systems on those lots as proposed (except for Lot 8) will enable those systems to be sited at least 100 feet from the shoreline rather than the 200 foot requirement that would otherwise be required by 9 NYCRR Appendix Q-4 and, as such, avoid potential adverse impacts to groundwater and surface water resources from contamination. The Lot 8 absorption field is proposed to be more than 200 feet from the mean high water mark, so amended soils are not required on Lot 8.

22. There will be no undue adverse impact to shoreline visual quality and other aesthetic resources, given the Enforcement remediation which has been undertaken by the applicant, the limited, seasonal recreation camp nature of this subdivision and the restrictions imposed on any new structures or shoreline cutting.
23. There will be no undue adverse impacts to wetlands on the project site, as all new wastewater treatment systems (except Lot 64) will be located in excess of 100 feet from wetlands; and as conditioned herein no disturbance of or impact to any wetlands will occur without contacting the Agency and receiving any necessary approvals. Further, as conditioned herein no on-site wastewater treatment system will be installed on Lot 64 until the lot owner submits wastewater treatment plans, prepared by a New York State licensed professional engineer, to the Agency for review and approval.

#### Historic Sites or Structures

24. As determined during review of Permit 99-313, the project as proposed and authorized herein will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR Section 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

#### CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval as set forth in: §809(10) of the Adirondack Park Agency Act (Executive Law, Article 27) and 9 NYCRR Part 574; §24-0801(2) of the NYS Freshwater Wetlands Act (ECL, Article 24, Title 8) and 9 NYCRR 578.10. The Agency hereby finds that the project is approvable and complies with the above criteria, provided it is undertaken in compliance with the conditions herein.



**From:** [Bob Bowman](#)  
**To:** [Megan Krokowski](#)  
**Subject:** Soft Maple / APA Restrictions  
**Date:** Wednesday, June 17, 2026 11:06:24 AM  
**Attachments:** [image.png](#)  
[scan\\_mrothroc\\_2026-06-10-14-04-29 \(1\).pdf](#)  
[APA Rrestrictions.pdf](#)

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Megan -

As we discussed on June 18th, I'm providing copies of the following for reference and review by the County's Planning Board.

1. Soft Maple Declaration of Protective Covenants, Conditions and Restrictions - As the title indicates, this document presents the restrictions etc. placed on all property owners in our Home Owner's Association.
2. The Adirondack Park Agency Project Permit (98-313D) that outlines all of the specific restrictions that are to be followed as part of the commitment made by Champion Realty Corporation (previous owner of all properties on Soft Maple - Upper Pond) and the current landowners.

Please feel free to contact me if you have any questions.

I would be happy to meet with your Planning Board to high-lite the restrictions that are most relevant to their application review process.

Respectfully;



Bob Bowman  
(315) 212-5573