


**THIS PERMIT RENEWS PERMIT 2007-11R ISSUED FEBRUARY 8, 2011**  
**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050 • Fax: (518)891-3938 • www.apa.ny.gov</p>	<p>APA Project Permit</p> <p style="text-align: center;"><b>2007-11R2</b></p>
<p>In the Matter of the Application of</p> <p><b>DAVID J. NENNI</b></p> <p>for a permit pursuant to §809 of the Adirondack Park Act</p>	<p>Date Issued: April 21, 2015</p> <p>To the County Clerk: This permit must be recorded on or before <b>June 22, 2015</b>. Please index this permit in the grantor index under the following names: <b>1. David J. Nenni</b></p>

**SUMMARY AND AUTHORIZATION**

David J. Nenni is granted a renewed permit, on conditions, authorizing the construction of a single family dwelling and other related development in an area classified Moderate Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Broadalbin, Fulton County.

This project may not be undertaken until this renewed permit is recorded in the Fulton County Clerk's Office. This renewed permit shall expire unless so recorded on or before June 22, 2015 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.

This renewed permit is void if the project authorized herein is not in existence within four years from the date the permit is recorded. The Agency will consider the project authorized herein in existence when the foundation for the single-family dwelling is installed.

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.

**AGENCY JURISDICTION**

The project consists of the construction of a single-family dwelling. A permit is required pursuant to an Agency Settlement Agreement dated October 13, 2006 (E2006-260) requiring a permit be issued from the Agency prior to any new land use and development.

## **PROJECT SITE AND PROJECT DESCRIPTION**

The project site is a 4.4±-acre parcel of land located at the southeasterly end of James Drive (a dead-end road) in the Town of Broadalbin, Fulton County, in an area classified Moderate Intensity Use, and Rural Use on the Adirondack Park Land Use and Development Plan Map. It is identified on Town of Broadalbin Tax Map Section 138.01, Block 1 as Parcel 32.11. The project site is described in a deed from Kathleen F. Repko to David J. Nenni dated December 30, 2005 which was recorded March 30, 2006 in the Fulton County Clerk's Office in Liber 1034 of Deeds at page 48.

The project as proposed and conditionally approved herein is summarized as follows: the construction of a 1,768± square foot (footprint) three-bedroom single-family dwelling, including attached decks, plus a 900± square foot attached garage. Maximum height of the structure will be less than 40 feet, and the exterior colors will be of natural colors to blend with the surrounding vegetation. The dwelling will be served by an on-site wastewater treatment system and individual well. Utilities lines to serve the dwelling will be buried along the proposed driveway from their connection to existing overhead lines along James Drive, the town-maintained road which provides access to the project site.

The proposed location of the single-family dwelling, the proposed limits of clearing, driveway, well, location and construction details of the on-site wastewater treatment system, location of utilities, location of wetlands and the land use area boundary line between Moderate Intensity and Rural Use land use areas are shown on two plan sheets titled, "Plot Plan of Lot No. 8, Deerhaven Estates, Prepared for David J. Nenni", herein referred to as the "Site Plan", and "Standard Details Shallow Absorption System", both prepared by Northeast Land Survey & Land Development Consultants, P.C., dated May 24, 2007, with the Site Plan last revised on June 28, 2007.

The submitted plans have been stamped "Final Plans, Adirondack Park Agency, P2007-11", dated July 30, 2007. A reduced-scale copy of the Site Plan is attached as a part of this permit. The original, full-scale maps and plans referenced in this permit are the official plans for the project.

The project as originally proposed and authorized has not been undertaken to date. The applicant has requested that the Agency issue a renewed permit to allow the project to be undertaken and completed as originally proposed and authorized. No changes to the project are proposed.

## **CONDITIONS**

### **BASED UPON THE FINDINGS BELOW AND INFORMATION CONTAINED IN THE PROJECT FILE, THE RENEWED PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. All conditions in Permit 2007-11 and 2007-11R remain in full force and effect unless specifically amended herein. Conditions 2, 4, 8, and 9 contained in Permit 2007-11 are amended herein.
2. This renewed 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 site plan map referred to herein shall be furnished by the applicant to all subsequent owners or lessees of the project site prior to sale or lease, and by the applicant and/or any subsequent owner or lessee to all contractor(s) undertaking any construction activities pursuant to the permitted project. 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 2007-11 issued July 30, 2007, Permit 2007-11R issued February 8, 2011 and P2007-11R2 issued April 21, 2015, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

### **Projected Remaining Building Density**

3. No principal buildings shall be allowed in the Rural Use land use area, and after the construction of the single family dwelling authorized herein, one additional principal building potential shall be associated with the Moderate Intensity land use area, unless the overall intensity guidelines of the Adirondack Park Agency Act or the Park Plan Map are amended or, pursuant to the adoption of an Agency-approved local land use program, refined so as to permit additional principal buildings. Due to severe site limitations, the Agency makes no assurances any additional development can be approved.

### **Erosion Control**

4. Prior to undertaking any earth disturbance on the project site, silt fence shall be installed between the area of disturbance and the wetland as indicated on the approved plans. The silt fence shall be embedded into the earth a minimum of six inches and shall be a minimum of 50 feet from the wetland and water resources. The silt fence shall be maintained throughout construction and shall not be removed until after all disturbed soils are stabilized with growing vegetation to prevent siltation of the water resources. The applicants, their agents, or their successors in interest shall inspect the fabric at least once a week and after every major storm event to ensure the

fabric and supports are intact and to remove accumulated sediments so as to maintain the fence in a functional manner. Any areas of disturbed soils that are not subject to active construction for a period of seven days shall be temporarily stabilized with ryegrass and mulch.

### **Outdoor Lighting**

5. All new free-standing and building-mounted outdoor lights on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or adjoining property.

### **FINDINGS OF FACT**

15. Findings of Fact 1 through 12 which are contained in Permit 2007-11, issued July 30, 2007 and recorded on August 31, 2007 in Book 10 of APA Permits at page 228, and Findings of Fact 13 and 14 contained in Permit 2007-11R, issued February 8, 2011 and recorded on March 11, 2011 as instrument number 2011-6637, both in the Fulton County Clerk's Office, are incorporated herein by reference and remain in effect.
16. By undated letter received by the Agency on March 9, 2015, David Nenni requested a renewal of Adirondack Park Agency Permit 2007-11R authorizing construction of a single family dwelling and associated development.

### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval as set forth in: Section 809(10) of the Adirondack Park Agency Act (Executive Law, Article 27). 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.

PERMIT issued this        day  
of                   , 2015.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_  
Richard E. Weber, III  
Deputy Director, Regulatory Programs

STATE OF NEW YORK)  
                  ) ss.:  
COUNTY OF ESSEX )

On the        day of                    in the year 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber III, 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.

\_\_\_\_\_  
Notary Public

REW:SHP:slp:mlr