


THIS PERMIT RENEWS PROJECT PERMIT 78-318/78-146DR ISSUED JUNE 30, 2011
THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</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 78-318/78-146 DR2</p>
<p>In the Matter of the Application of</p> <p>SCOTT DALEY</p> <p>for a permit pursuant to §809 of the Adirondack Park Act</p>	<p>Date Issued: July 13, 2015</p> <p>To the County Clerk: This permit must be recorded on or before September 11, 2015. Please index this permit in the grantor index under the following names:</p> <p>1. Scott Daley</p>

SUMMARY AND AUTHORIZATION

Scott Daley is granted a second renewed permit, on conditions, for construction of one new single-family dwelling and related development in an area classified Rural Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Keene, Essex County.

This project may not be undertaken, and no transfer deed shall be recorded, until this renewed permit is recorded in the Essex County Clerk's Office. This renewed permit shall expire unless so recorded on or before September 11, 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 single family dwelling and on-site wastewater treatment system authorized herein are complete.

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 original project consisted of a Class A Regional Project requiring an Agency permit pursuant to §810(1)(d)(3) of the Adirondack Park Agency Act. Further, the project authorized a 27 lot subdivision and the construction of one single family dwelling on Lots 1-6 and Lots 8-27 as described Agency Order Project 78-146 and Permit 78-318; and as further authorized

in Permits P78-318A & B. Condition O of P78-146 and Permit 78-318A required the project sponsor to submit a plat plan depicting the proposed development for Lots 19-24, 26, and 27. The subject property identified herein is Lot 20 of that previously authorized subdivision.

PROJECT SITE AND PROJECT DESCRIPTION

The project site is a 4.1± acre parcel of land located on Owl's Head Road in the Town of Keene, Essex County. It is identified on Town of Keene Tax Map Section 53.6, Block 1 as Parcel 5.312. The project site is described in a deed from Patrick and Michael Christie to Scott B. Daley which was recorded November 26, 2007 in the Essex County Clerk's Office in Liber 1558 of Deeds at Page 247.

The applicant is seeking approval for a second renewal of Agency Project Permit 78-318/78-146 DR2 to construct a 1400± square foot (footprint) single family dwelling including an attached garage to be constructed on Lot 20 of the previously authorized subdivision. The dwelling is to be 25± feet in height and will be dark brown in color. The single family dwelling, limits of clearing, location of the on-site wastewater treatment system and other related development is shown on a survey/site plan entitled "Map of Survey showing lands of Michael and Patrick Christie, to be conveyed to Scott Daley", prepared by Daniel H. Elder, L. S. dated November 14, 2005, last revised on March 27, 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 Permits 78-318A, 78-318B, 78-318D, and 78-318DR remain in full force and effect unless specifically amended herein.
2. This second renewed permit is binding on the applicant(s), 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(s) 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 Project 78-146/Permit 78-318A issued March 1, 1979, Agency Project 78-146/Permit 78-318B issued on October 28, 1982, Agency Project 78-146/Permit P78-318D issued

July 11, 2007, and Agency Project 78-146/Permit 78-318DR issued June 30, 2011, and Project 78-146/Permit 78-318DR2 issued July 13, 2015, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.”

3. 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.

Wastewater Treatment

4. The proposed on-site wastewater treatment system shall be constructed in complete conformity with the location and design shown on the plans referenced herein. The system shall comply with New York State Department of Health's "Wastewater Treatment Standards for Individual Household Systems" (10 NYCRR Appendix 75-A), the Agency's "Guidelines for On-site Sewage Disposal Systems", and with Agency standards in 9 NYCRR Appendix Q-4. Conventional on-site wastewater treatment trench systems shall be installed on existing slopes less than 15 percent.

Visual/Open Space Protection

5. No trees shall be removed beyond the limits of clearing line as shown on the site plan without further Agency review and approval in the form of a new or amended permit. This condition shall not be deemed to prevent the removal of dead or diseased vegetation or of rotten or damaged trees or of other vegetation that presents a safety or health hazard.

Projected Remaining Building Density

6. After the construction of the single-family dwelling previously authorized, no additional principal building shall be allowed on the project site.

Exterior Building Color

7. All exterior building materials, including roof, siding and trim, used to surface the exterior of the single family dwelling shall be dark brown, or of a color which blends with the existing vegetation and surroundings. The Agency will, upon request, advise whether any particular proposal complies with this condition.

Outdoor Lighting

8. All free-standing and 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 any public road or adjoining property.

Legal Interests of Others

9. 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

- Findings of Fact 1 through 21 are contained in Agency Order/Project 78-146/Permit P78-318 issued on November 20, 1978.
 - Findings of Fact 1 through 21 are contained in Agency Order/Project 78-146/Amended Permit P78-318A issued on March 1, 1979. As stated in that document, the amended permit replaces previously issued Permit 78-318, and was recorded on March 27, 1979 in Book 9 of APA Permits at Page 232.
 - Finding of Fact 22 is contained in Agency Project 78-146/Amended Permit P78-318B issued October 28, 1982. This permit was recorded on October 29, 1982 in Book 15 of APA Permits at Page 294.
 - Findings of Fact 23 through 27 are contained in Agency Project 78-146/Amended Permit P78-318D issued July 11, 2007. This permit was recorded on August 3, 2007 in Book 1736 of APA Permits at Page 339.
 - Findings of Fact 28 through 29 are contained in Agency Project 78-146/Renewed Permit P78-318DR issued July 30, 2011. This permit was recorded on July 15, 2011 in Book 89 at Page 88.
 - All permits were recorded in the Essex County Clerk's Office.
30. In an un-dated letter received by the Agency on April 9, 2014, Scott Daley requested a second renewal of Adirondack Park Agency Project Permit 78-318/78-146 DR authorizing the construction of one new single-family dwelling with related development. Since Project Permit 78-313/78-146 DR is valid until July 15, 2015, no changes to the previously authorized project are proposed as part of the renewal request.


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. 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 13th day
of July, 2015.

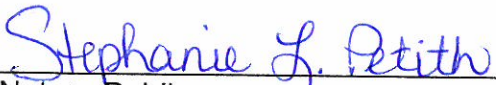
ADIRONDACK PARK AGENCY

BY:


Richard E. Weber, III
Deputy Director, Regulatory Programs

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

On the 13th day of July 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:VY:mlr:slp

STEPHANIE L. PETITH
Notary Public - State of New York
Qualified in Franklin County
No. 01PE6279890
Commission Expires Apr. 15, 2017

