

 <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050</p>	<p>APA Project Permit 2007-11R</p>
<p>In the Matter of the Application of DAVID J. NENNI for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: February 8, 2011</p> <p>To the County Clerk: This permit must be recorded on or before April 11, 2011. Please index this permit in the grantor index under the following names: 1. David J. Nenni</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 April 11, 2011, 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 project shall not be undertaken or continued unless the project authorized herein is in existence within four years from the date the renewed permit is recorded. The Agency will consider the project in existence when the renewed permit has been recorded at the Fulton County Clerks Office, a building permit has been issued by the Town of Broadalbin, and the foundation for the single-family dwelling is installed.

Nothing contained in this renewed 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

The project site is a 4.4± acre parcel of land located on the easterly side of James Drive 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.

PROJECT DESCRIPTION AS PROPOSED

The project as proposed and conditionally approved herein is summarized as follows: the construction of a single-family dwelling and other related development.

- The construction of a 1,768± square foot (footprint) three-bedroom single-family dwelling to include decks and 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 on-site well. Utilities will be buried along the proposed driveway from overhead utilities existing along James Drive which will also provided 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 sheets of plans entitled "Plot Plan of Lot No. 8, Prepared for David J. Nenni" prepared by Northeast Land Survey & Land Development Consultants, P.C., dated May 24, 2007 and 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 sheet prepared by Boulder Consultants 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, THE PROJECT IS APPROVED SUBJECT WITH THE FOLLOWING CONDITIONS:

1. All conditions in Permit 2007-11 remain in full force and effect unless specifically amended herein.
2. The project shall be undertaken as described in the request for a renewed 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 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 renewed permit and all the approved maps and 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, 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 renewed permit shall contain references to this renewed permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2007-11 issued July 30, 2007, and Permit 2007-11R issued February 8, 2011, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Legal Interests of Others

4. 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

- 13. Findings of Fact 1 through 12 which are contained in Permit 2007-11, issued on July 30, 2007 and recorded on August 31, 2007 in the Fulton County Clerk's Office in Book 10 of APA Permits at page 228, are incorporated herein by reference and remain in effect.
- 14. By letter received at the Agency on February 7, 2011, a request was made to renew Adirondack Park Agency Permit 2007-11 authorizing construction of a single-family dwelling.

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). 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 , 2011.

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 2011, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

REW:SHP:slp