


**STAFF DRAFT NOT APPROVED BY AGENCY
THIS IS A TWO-SIDED DOCUMENT**

 <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Permit 2018-0207</p>
<p>In the Matter of the Application of</p> <p>MGH ESTATES, LLC Permittee</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: XXXX</p> <p>To the County Clerk: This permit must be recorded on or before XXXX. Please index this permit in the grantor index under the following names: 1. MGH Estates, LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes an eight-lot subdivision in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Northampton, Fulton County and the Town of Edinburg, Saratoga County.

This permit shall expire unless recorded in the Fulton County and Saratoga County Clerk's Offices on or before **XXXX**, in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence by **XXXX**. The Agency will consider the project in existence when an authorized lot has been conveyed to an outside party.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

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

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

PROJECT SITE

The project site is a 146.06±-acre parcel of land located on White Birch Road and Elmer Brown Road in the Town of Northampton, Fulton County and the Town of Edinburg, Saratoga County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Town of Northampton Tax Map Parcels 61.1-1-3, 61.1-1-5.2, and 61.1-1-7, and Town of Edinburg Tax Map Parcels 93-1-34.111 and 106-1-2.2. The project site is described in a deed from Larry Joe Chaplinski to MGH Estates LLC, dated December 6, 2013, and recorded December 12, 2013 in the Fulton County Clerk's Office under Instrument Number 2013-1357, and recorded January 29, 2014 in the Saratoga County Clerk's Office under Instrument Number 2014002890.

The project site adjoins lands of the Hudson River Black River Regulating District (HRBRRD), which provides access to Great Sacandaga Lake.

The project site contains wetlands with a mixed forested (coniferous and deciduous) covertype with a value rating of "2" pursuant to 9 NYCRR Part 578. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The project site was created as part of an 11-lot subdivision authorized by Agency Permit 2014-0181.

PROJECT DESCRIPTION

The project as conditionally approved herein involves subdivision of the project site to create seven new residential lots, referred to in the Project Plans as Lots 13-19, and one retained lot (Lot 1). The seven new residential lots are located east and north of White Birch Road, will be served by on-site wastewater treatment systems and on-site water supplies, and will be accessed by individual private driveways. Lot 1 will be 77.25± acres in size, and contains a location authorized by Permit 2014-0181 for construction of a single-family dwelling, as well as all of the lands adjoining the HRBRRD.

The project is shown on the following maps, plans, and reports (together the Project Plans):

- Four maps and plans titled "Subdivision of Land for Lot 1 of MGH Estates LLC, Towns of: Northampton, Fulton County, Edinburg, Saratoga County," prepared by John Bartell, PE, and dated March 1, 2020 (Subdivision Plans):
 - Site Plan of All of Lot 1;
 - Site Plan of Subdivision of Lot 1;
 - Map of Field Delineated Wetland Areas; and
 - Details.
- A report titled "MGH Estates LLC Phase II, Town of Northampton, Fulton County, Town of Edinburg, Saratoga County, Basic Stormwater Pollution Prevention Plan," prepared by Lansing Engineering, and dated October 3, 2019 (Stormwater Plan).

- Four sheets of plans prepared by Charles R. Ackerbauer, L.S. and P.E. dated February 10, 2015, and last revised November 21, 2015 (Lot 1 Project Plans):
 - Sheet 1 is entitled, “Proposed Subdivision, MGH Estates LLC;”
 - Sheets 2 and 3 are entitled, “Proposed Subdivision, APA Project 2014-181, MGH Estates LLC;” and
 - Sheet 4 is entitled, “Sewage Disposal Details For MGH Estates Subdivision.”
- An “Erosion and Sediment Control Plan,” prepared by Charles A. Ackerbauer, dated August 9, 2015, and last revised November 22, 2015.

A reduced-scale copy of “Site Plan of All of Lot 1” and “Site Plan of Subdivision of Lot 1” of the Subdivision Plans is attached as a part of this permit for easy reference. The original, full-scale maps, plans, and reports described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

AGENCY JURISDICTION

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision of Rural Use lands that results in the creation of a non-shoreline lot smaller than 7.35 acres in size in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision that results in the creation of five or more lots, parcels, or sites since May 22, 1973, in a Rural Use land use area in the Adirondack Park.

Pursuant to Condition 5 of Permit 2014-0181, a new or amended permit is required for any subdivision of the project site.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Fulton County Clerk's Office and the Saratoga County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project. Copies of this permit and all Project Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.

3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Permit 2014-0181 in relation to the project site. The terms and conditions of Permit 2014-0181 shall no longer apply to the project site.

Deeds

Recordation

5. 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 2018-0207, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Deed Covenant

6. Any deed of conveyance for Lot 1 shall contain a covenant restricting the portion of Lot 1 located north and east of White Birch Road against the construction of any single-family dwelling, mobile home, other principal building as that term is defined under the Adirondack Park Agency Act, road, or driveway. The deed shall state that the covenant shall run with, touch and concern the land, and that the covenant shall be enforceable by the Adirondack Park Agency and the State of New York.

Easement

7. Any deed of conveyance for Lot 19 shall reference the right-of-way shown on the Project Plans providing access from White Birch Road to Lot 1.

Subdivision

8. Subject to the conditions stated herein, this permit authorizes an eight-lot subdivision as depicted on the Subdivision Plans. Any subdivision of the project site not depicted on the Subdivision Plans, including any subdivision of the 77.25± acres comprising Lot 1, shall require a new or amended Agency permit.

Development

Construction Location and Size

9. On Lot 1, subject to the conditions stated herein, this permit authorizes the construction of one single-family dwelling with attached garage and one accessory-use storage shed within the limits of clearing shown on the Lot 1 Project Plans.

The dwelling shall be no more than 38 feet in height measured from the highest point of the structure to the lower of either existing or finished grade, shall have a footprint of no more than 3,825 square feet including all attached structures such as porches, decks, garages and stairs. The accessory-use shed shall be no greater than 240 square feet in footprint. Any expansion beyond these dimensions shall require prior written Agency authorization. The construction of any dwelling or accessory structure outside of the limits of clearing shown on the Lot 1 Project Plans shall require a new or amended Agency permit.

10. On each of the seven new residential lots, subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and accessory structures (attached or detached) within the limits of clearing shown on the Subdivision Plans. All structures shall be no more than 38 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The combined maximum footprint of the single-family dwelling and accessory structure(s) on any lot shall not exceed 5,000 square feet, including all attached structures such as porches, decks, garages and stairs. Detached accessory use structures shall be no greater than 240 square feet in footprint. Any expansion beyond these dimensions shall require prior written Agency authorization. The construction of any dwelling or accessory structure outside of the limits of clearing shown on the Subdivision Plans shall require a new or amended Agency permit.

Guest Cottages

11. Construction of any guest cottage on any lot shall require prior written Agency authorization. Due to site constraints, the Agency makes no assurances that any proposed guest cottage could be approved.

Any guest cottage shall be used only on an occasional basis and shall not be offered or used for rent or hire separately from the primary dwelling on the property. Any guest cottage shall also be no larger than one-half of the enclosed floor space of the single-family dwelling or 2,000 square feet in footprint, whichever is less.

Docks

12. Lot 1 may utilize docks or other structures as permitted by a HRBRRD Access Permit and Work Permit, provided that no structures or fill are placed in wetlands, as depicted on the Lot 1 Project Plans.

Outdoor Lighting

13. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Great Sacandaga Lake, public roads, or adjoining property.

Building Color

14. All exterior building materials, including roof, siding and trim, of any structure on the project site shall be a dark shade of green, grey, or brown.

Tree Cutting/Vegetation Removal

15. On Lot 1, outside of the limits of clearing shown on the Lot 1 Project Plans, no trees or vegetation may be cut, culled, trimmed, pruned, or otherwise removed or disturbed without prior written Agency authorization, except for (a) an area up to 20 feet in width for driveway construction and utility installations, (b) a footpath up to six feet in width providing access to the lakeshore, (c) the removal of trees for firewood for on-site use from the non-shoreline portions of Lot 1, and (d) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
16. On the seven new residential lots, outside of the limits of clearing shown on the Subdivision Plans, no trees or vegetation may be cut, culled, trimmed, pruned, or otherwise removed or disturbed without prior written Agency authorization, except for (a) an area up to 20 feet in width for driveway construction and utility installations on each lot, (b) the removal of trees for firewood for on-site use, and (c) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

Wetlands

17. The undertaking of any activity involving wetlands shall require a new or amended permit.

Invasive Species Control/Sanitizing Equipment

18. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.

Density

19. There shall be no more than five principal buildings located on the portion of Lot 1 in the Town of Northampton, south of White Birch Road, including the single-family dwelling authorized herein on Lot 1. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
20. There shall be no principal buildings on the portion of Lot 1 located north and east of White Birch Road.

21. There shall be no more than one principal building located on each of the seven new residential lots at any time. Each single-family dwelling authorized herein constitutes a principal building.

Infrastructure

Wastewater

22. Any on-site wastewater treatment systems on Lot 1 installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the Lot 1 Project Plans.

Any on-site wastewater treatment system on the seven new residential lots installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the Subdivision Plans. Construction of the system shall be supervised by a New York State design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

23. No single-family dwelling on the project site shall contain more than five bedrooms.
24. There shall be no on-site wastewater treatment system on the portion of Lot 1 located north and east of White Birch Road.

Erosion and Sediment Control and Stormwater Management

25. The project shall be undertaken in compliance with the Project Plans.

Roads and Driveways

26. There shall be no road or driveway constructed on the portion of Lot 1 located north and east of White Birch Road.

Signs

27. All signs associated with subdivision of the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3]. The existing 12.5-square-foot sign advertising lots sales shall be located a minimum of 10 feet from all road beds.

CONCLUSIONS OF LAW

For the portion of the project site in the Town of Northampton, the Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project;
- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- g. will result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.

For the portion of the project site in the Town of Edinburg, the Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision authorized as conditioned herein:

- a. will meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Edinburg;
- b. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project;
- c. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- d. will result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this day
of , 2020.

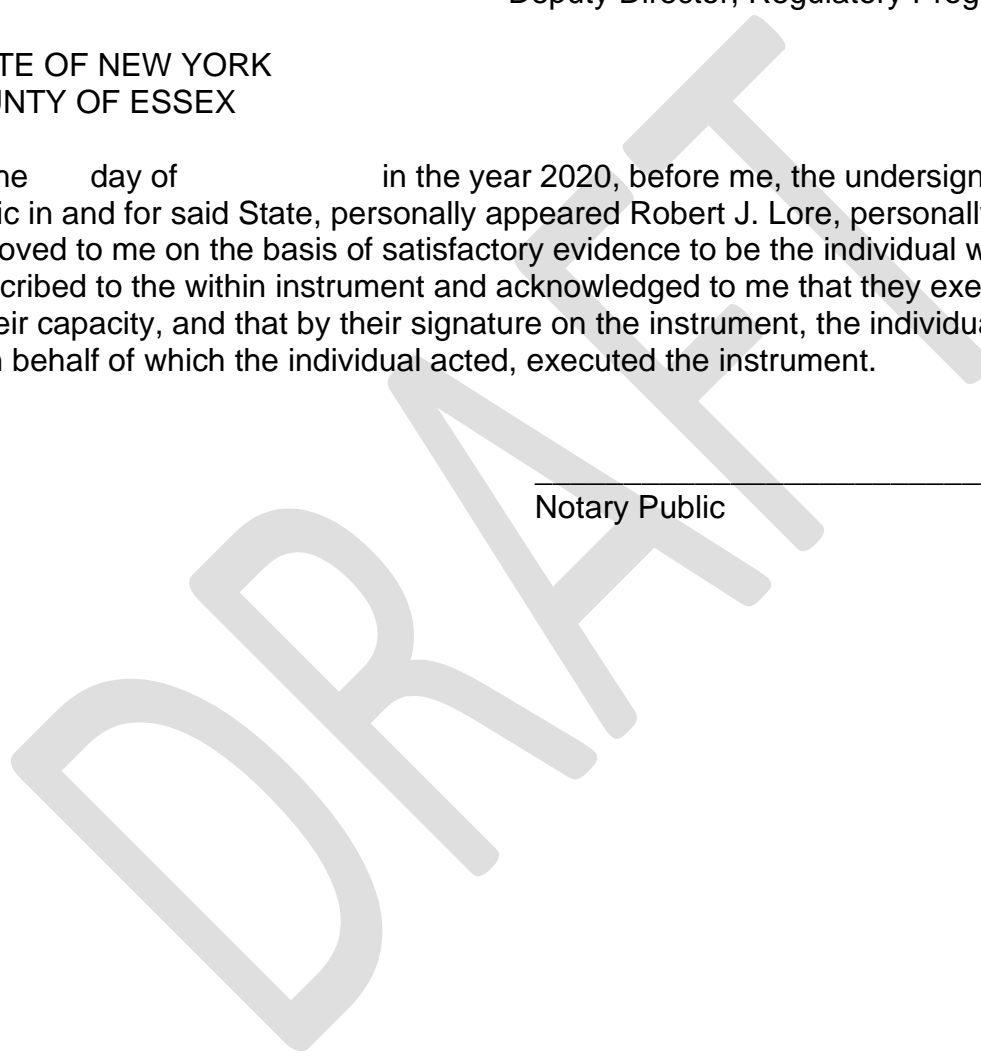
ADIRONDACK PARK AGENCY

BY: _____
Robert J. Lore
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

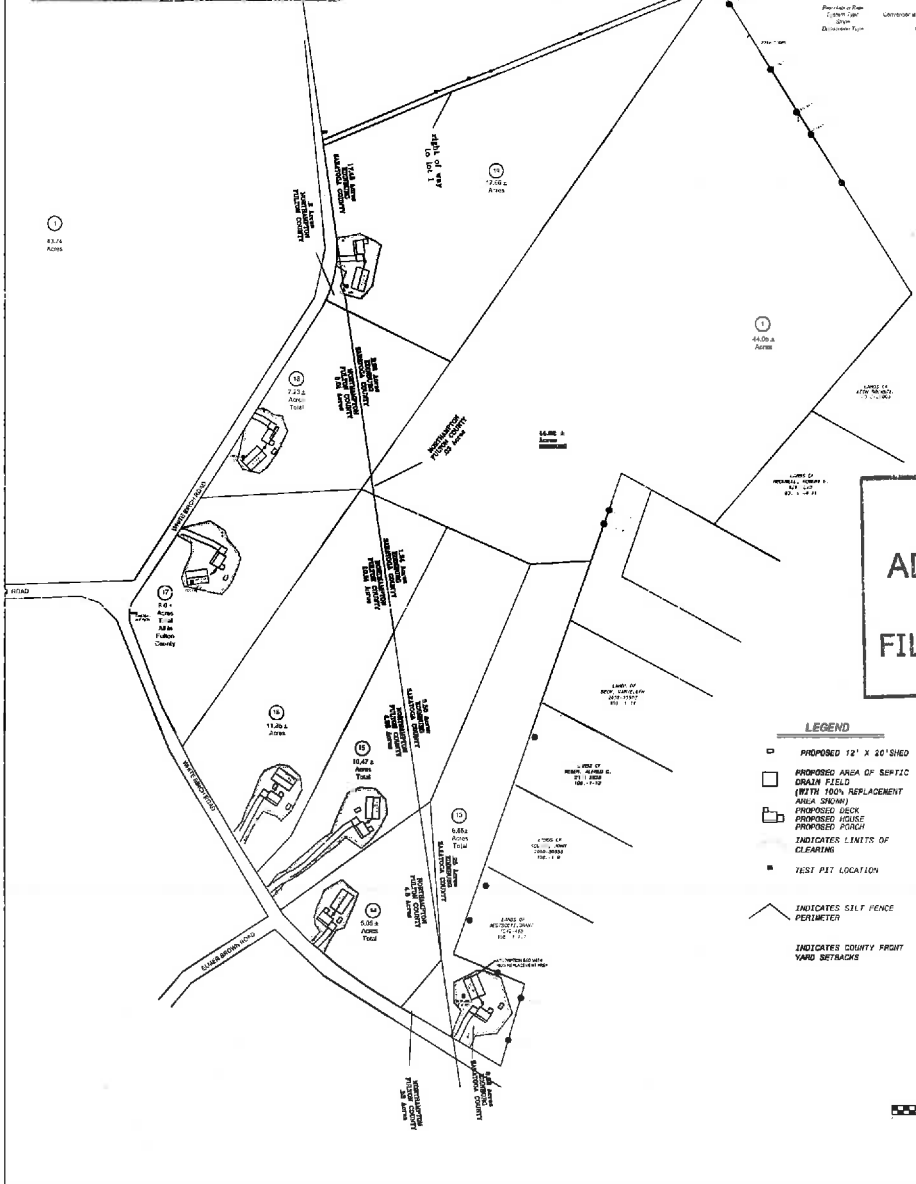
On the day of in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert J. Lore, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to 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





Lot No.	Area (Acres)	Setback (Feet)	Min. Lot Area (Acres)	Min. Lot Width (Feet)	Min. Lot Depth (Feet)	Min. Lot Area (Acres)	Min. Lot Width (Feet)	Min. Lot Depth (Feet)	Min. Lot Area (Acres)	Min. Lot Width (Feet)	Min. Lot Depth (Feet)
LOT 13	1.00	10	1.00	100	100	1.00	100	100	1.00	100	100
LOT 14	1.00	10	1.00	100	100	1.00	100	100	1.00	100	100
LOT 15	1.00	10	1.00	100	100	1.00	100	100	1.00	100	100
LOT 16	1.00	10	1.00	100	100	1.00	100	100	1.00	100	100
LOT 17	1.00	10	1.00	100	100	1.00	100	100	1.00	100	100
LOT 18	1.00	10	1.00	100	100	1.00	100	100	1.00	100	100
LOT 19	1.00	10	1.00	100	100	1.00	100	100	1.00	100	100



FINAL
ADIRONDACK PARK AGENCY
 FILE # 2018-0207

- LEGEND**
- PROPOSED 12' X 20' SHED
 - PROPOSED AREA OF SEPTIC DRAINAGE FIELD (WITH 100% REPLACEMENT AREA SHOWN)
 - PROPOSED DECK
 - PROPOSED PORCH
 - INDICATES LIMITS OF CLEARING
 - TEST PIT LOCATION
 - INDICATES SELF FENCE PERIMETER
 - INDICATES COUNTY FRIGHT YARD SETBACKS

APR PROJECT NO.
 OWNER: MICHAEL HOFFMAN
 50 PHELPS ROAD
 EDINBURGH, NY 12055
 TAX MAP REF:
 T. NORTHAMPTON 61-1-01-03
 E. EDINBURGH 62-1-01-04-111

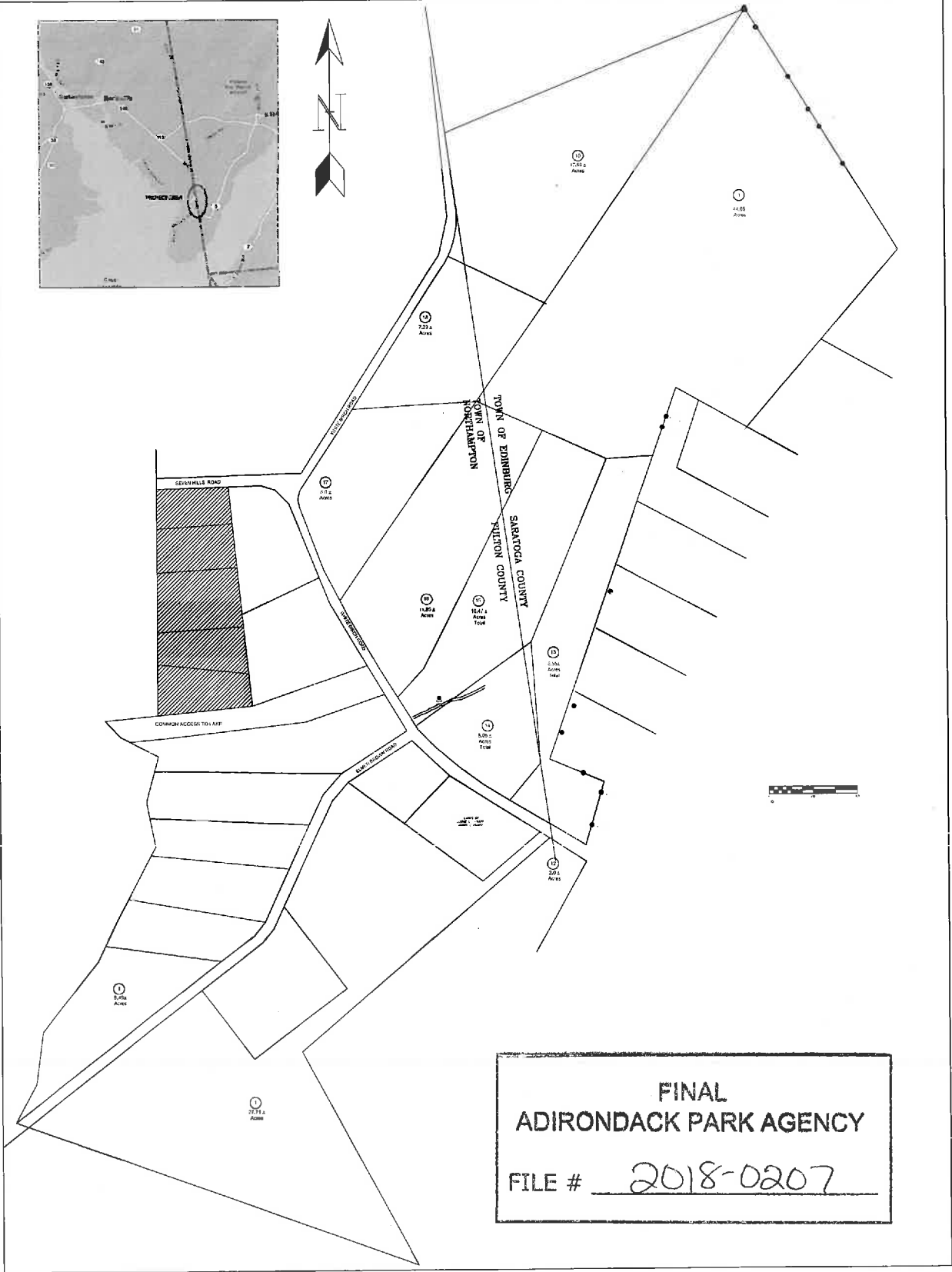
- NOTES**
- Absorption areas shown on the plans represent the required area and an area equal to 100% for replacement. The maximum area represented for each lot is at least 3500 square feet.
 - The dimension of any footprint of a house, porch and garage structure shall not exceed 80 feet. The dimension of any attached deck shall not exceed 25 feet. Maximum number of bedrooms shall be five. Maximum for signs on any lot shall not exceed 800 square feet, inclusive of all out buildings.
 - No structure or development shall be allowed within the 100 foot buffer around designated wetlands.
 - All lots within phase I & II of the Adirondack Lifestyle Estates shall have access to the northern right-of-way to the lake shown as set seven on this drawing.
 - Setback for houses built within town of Northampton, Fulton County shall be 50 feet. Setback for Town of Edinburg is 25 feet.
 - Provide easement through lot 19 to lot 1

JOHN BARTELL, PE
 PO BOX 1379
 NORTHVILLE, NY
 12134

Project: MGH ESTATES
 SUBDIVISION OF LOT 1
 3/1/20

Sheet:
 SITEPLAN OF SUBDIVISION OF LOT 1

SUBDIVISION OF LAND FOR
LOT 1 OF MGH ESTATES LLC
TOWNS OF: NORTHAMPTON, FULTON COUNTY
EDINBURGH, SARATOGA COUNTY



FINAL
 ADIRONDACK PARK AGENCY
 FILE # 2018-0207

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 NORTHVILLE, NY
 12134

Project MGH ESTATES	Sheet
SUBDIVISION OF LOT 1	SITEPLAN OF ALL OF LOT 1
3/1/20	

SUBDIVISION OF LAND FOR
LOT 1 OF MGH ESTATES LLC
 TOWNS OF: NORTHAMPTON, FULTON COUNTY
 EDINBURG, SARATOGA COUNTY