


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

 <p style="margin-left: 100px;">Adirondack Park Agency</p> <p style="text-align: center;">P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p style="text-align: center;">DRAFT APA Permit 2021-0213</p>
<p>In the Matter of the Application of</p> <p>SCHUYLER, 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: Please index this permit in the grantor index under the following names: 1. Schuyler, LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a four-lot subdivision in an area classified Hamlet and Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Corinth, Saratoga County.

This authorization shall expire unless recorded in the Saratoga County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded 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 within five years of the date the permit is recorded in the Saratoga County Clerk's Office. 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 52.33±-acre parcel of land located on both Dayton Drive and NYS Route 9N in the Town of Corinth, Saratoga County, in an area classified Hamlet and Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 73, Block 2, Parcel 56, and is described in a deed from County of Saratoga to Schuyler, LLC, dated May 18, 2018, and recorded May 31, 2018 in the Saratoga County Clerk's Office under Instrument Number 2018-015747.

The project site contains freshwater forested and shrub wetlands. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a four-lot subdivision creating three residential building lots (Lot 1 - 6.07± acres, Lot 2 - 8.06± acres, and Lot 3 - 11.6± acres) to be accessed using a shared driveway off Dayton Drive and one lot with no development currently proposed along NYS Route 9N (Lot 4 - 26.6± acres). Either one single family dwelling or one multiple family dwelling (i.e., a duplex) is proposed on each residential building lot, to be served by an individual on-site wastewater treatment system and municipal water.

The project is shown on the following maps, plans, and reports:

- "Subdivision Lands of Schuyler LLC Dayton Drive," prepared by Gilbert VanGuilder Land Surveyor, PLLC, and dated June 5, 2023 (Site Plan); and
- "Dayton Drive Subdivision," prepared by Paul K. Male, P.E. & P.L.S., and dated December 4, 2023 (Septic and Erosion Control Plan).

A reduced-scale copy of the Site Plan for the project is attached as part of this permit for reference.

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.

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 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, Site Plan, and Septic and Erosion Control Plan 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. 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 2021-0213, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. Subject to the conditions stated herein, this permit authorizes a four-lot subdivision as depicted on the Site Plan. Any subdivision not depicted on the Site Plan shall require a new or amended permit.
6. The Rural Use portion of Lots 1 and 2 shall not be conveyed separately from the Hamlet portion of Lots 1 and 2.
7. Any deed of conveyance for Lot 2 as depicted on the Site Plan shall contain an easement providing driveway and utility access to Lots 1 and 3 over the easement area shown and described on the Site Plan.
8. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling or one multiple family dwelling, with a maximum of six bedrooms total per structure on each of lots 1, 2, and 3 in the location and footprint shown on the Site Plan. The single family dwellings or multiple family dwellings shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
9. The construction of any additional dwelling or other principal building on Lots 1, 2, or 3 not shown on the Site Plan shall require a new or amended permit.

10. The construction of any dwelling or other principal building on Lot 4 shall require a new or amended permit.
11. Construction of any accessory structure on the project site shall require prior written Agency approval.
12. Any on-site wastewater treatment systems on the project site installed within five years of the date of issuance of this permit shall be constructed in conformance with the location shown on the Site Plan and the design shown on the Septic and Erosion Control Plan. 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.

13. All dwellings on lots 1, 2, and 3 shall be connected to and served by the municipal water system.
14. The project shall be undertaken in compliance with the Erosion and Sediment Control Plans shown on both the Site Plan and Septic and Erosion Control Plan.
15. 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.
16. 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 adjoining property.
17. Within the 15-foot "no cut buffer" and 100-foot "vegetative wetland buffer" shown on the Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
18. There shall be no more than four principal buildings located on Lot 4. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

CONCLUSIONS OF LAW

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, single family dwellings or multifamily dwellings 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 Hamlet and Rural land use areas;
- c. will be consistent with the overall intensity guidelines for the Hamlet and Rural use land use areas;
- 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 be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values.

PERMIT issued this day
of , 2024.

ADIRONDACK PARK AGENCY

BY: _____
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, 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