


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Project Permit 1987-0074F</p>
<p>In the Matter of the Application of</p> <p>HOWARD KERN AND SUZANNE CARRILLO Permittees</p> <p>for a permit amendment pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: August 3, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Howard Kern2. Suzanne Carrillo

SUMMARY AND AUTHORIZATION

This permit authorizes an amendment to Condition 2 of Adirondack Park Agency Permit 1987-0074A in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Santa Clara, Franklin County.

This authorization shall expire unless recorded in the Franklin 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 Agency will consider the project in existence when the permit has been recorded in the Franklin County Clerk's Office.

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 amendment 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 2.21-acre parcel of land located on Deerwood Lane in the Town of Santa Clara, Franklin County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified on Town of Santa Clara Tax Map Section 443.1, Block 4 as Parcel 10, and is described in a deed from Edward Yanchitis to Howard Kern and Suzanne Carrillo, dated June 29, 2018, and recorded in the Franklin County Clerk's Office at Book 2018, Page 2979.

The project site contains shoreline on Upper Saranac Lake and wetlands.

The project site was created as "Lot 10" in a seven-lot subdivision authorized by Agency Permit 1987-0074. Agency Permit 1987-0074A authorized the installation of a dock and path through wetlands on the project site.

AGENCY JURISDICTION

Condition 2 of Agency Permit 1987-0074A states that the dock authorized on Lot 10 shall not exceed 6 feet in width or 30 feet in length.

PROJECT DESCRIPTION

This amendment authorizes the installation of a dock, each element of which is no more than 4 feet in width, extending 64 feet from the shoreline as shown on two sheets of plans prepared by H. Kern, dated June 29, 2023, and received by the Agency on July 3, 2023 (Dock Plan). A copy of the Dock Plan is attached as a part of this permit for easy reference.

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 Franklin 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 the Dock Plan Site 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. This permit amends and supersedes Condition 2 of Permit 1987-0074A in relation to the project site.

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 permits 1987-0074, 1987-0074A, 1987-0074D, and 1987-0074F, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes the installation of a dock in the location shown and as depicted on the Dock Plan. Any change to the location, dimensions, or other aspect of the dock shall require prior written Agency authorization.


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 project 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 Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity 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.

Permit Amendment issued this 3rd day
of August, 2023.

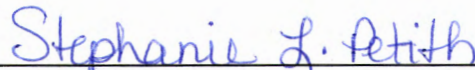
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

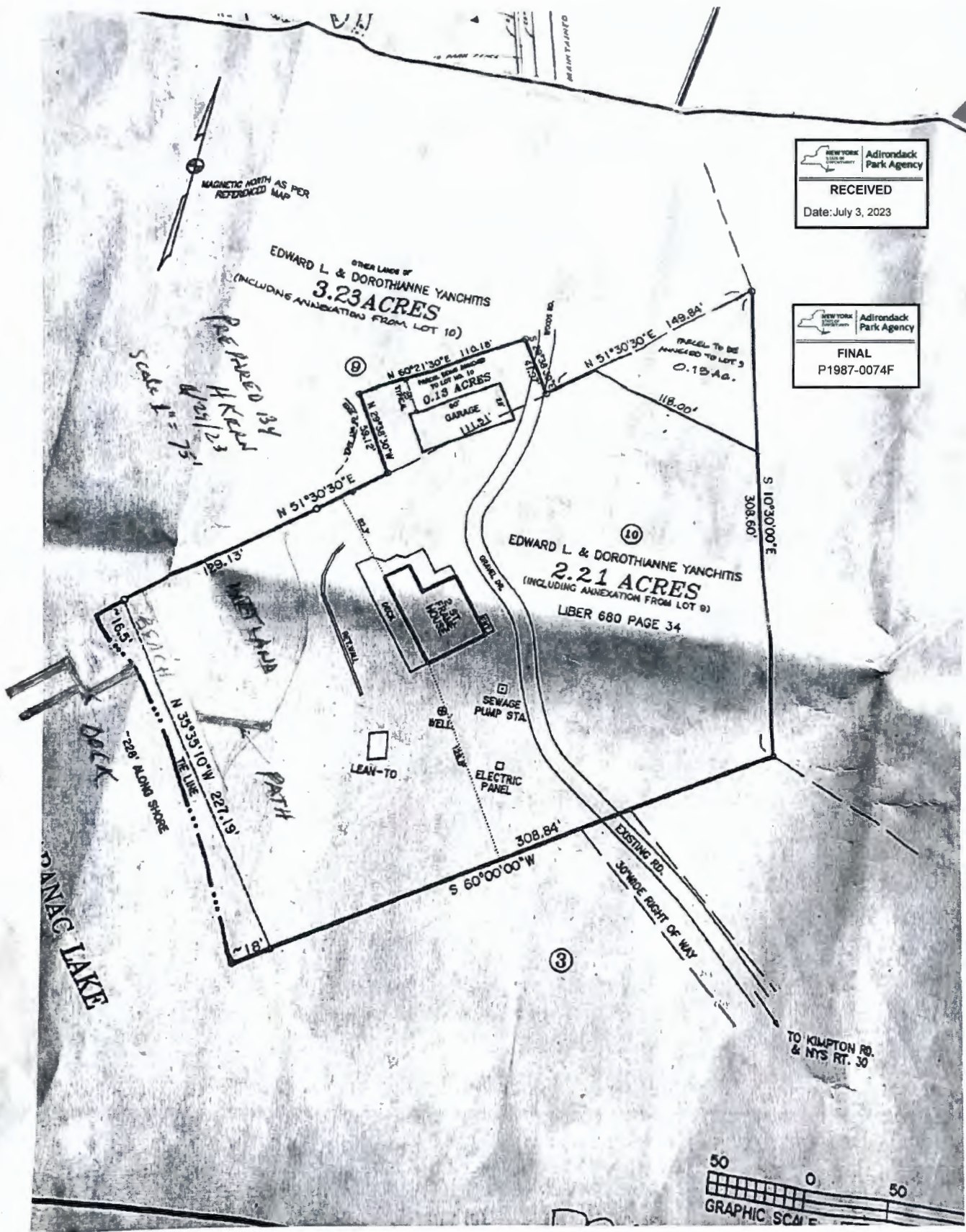
On the 3rd day of August in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged 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.

Stephanie L. Petith
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025


Notary Public

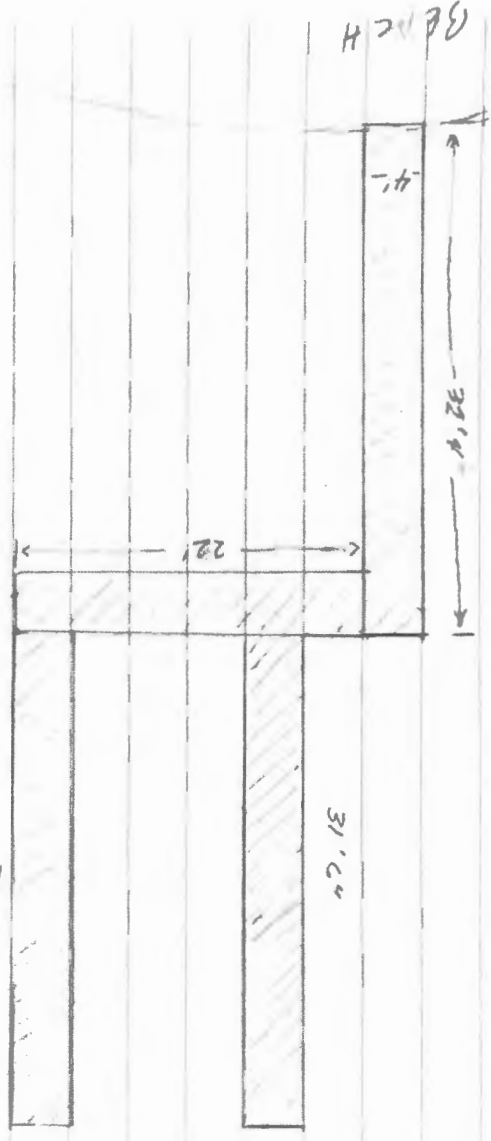
NEW YORK STATE OF ENVIRONMENTAL CONSERVATION
 Adirondack Park Agency
 RECEIVED
 Date: July 3, 2023

NEW YORK STATE OF ENVIRONMENTAL CONSERVATION
 Adirondack Park Agency
 FINAL
 P1987-0074F



PREPARED: H. KERN
 6/29/23
 Scale 1" = 75'

UPPER SPANNING L&E



MHW

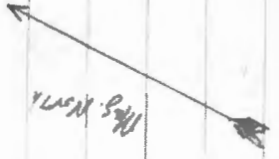
BENCH

LOT 10

SCALE - 3/32" = 1'

PERMANENT
H. K. K. K.
6/2/12

MHW (MHW)



M.S. NORTH