 <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 Permit 1999-0238A</p>
<p>In the Matter of the Application of</p> <p>TODD C. TOWNSEND AND PHOEBE MC PHAIL TOWNSEND Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: August 24, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Todd C. Townsend 2. Phoebe Mc Phail Townsend</p>

SUMMARY AND AUTHORIZATION

This permit authorizes construction of a single family dwelling in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Keene, Essex County.

This authorization shall expire unless recorded in the Essex 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.

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 3.79± acres of land located on Fairview Lane in the Town of Keene, Essex County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 53.2, Block 1, Parcel 11.311, and is described in a deed from Michael Hartson and Ann Hartson to Michael A. Hartson and Ann D. Hartson, dated August 22, 2022, and recorded in the Essex County Clerk's Office under Book 2095, Page 92.

The project site contains wetlands associated with Dart Brook. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site is a portion of a 4.03±-acre lot created by a three-lot subdivision as authorized by Agency Permit 1999-0238.

The project site was created as a 3.79±-acre lot by subdivision as authorized by Agency Permit 2021-0232.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of a single family dwelling.

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

- "Map of Survey," prepared by Kevin A. Hall, L.S., dated July 28, 2023, (Survey Plan); and "Sewage Treatment System Construction Permit Application," in four sheets prepared by Thomas J. Bombard, P.E., dated May 25, 2023 (Septic Plans); received by the Agency on August 2, 2023;
- An un-titled, un-dated, annotated portion of the Survey Plan, received by the Agency on August 11, 2023 (Sketch Plan); and
- "A Custom Cabin for: Todd & Phoebe Townsend," in nine sheets, prepared by David Wright Associates, dated February, 2021, (Dwelling Plans); and "Structural Plans for Townsend Residence," in six sheets, prepared by Harris Structural Engineering, dated April 20, 2023; received by the Agency on June 5, 2023 (Structural Plans).

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

AGENCY JURISDICTION

This permit amends Conditions 4, 5 and 6 of Agency Permit 1999-0238A.

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 Essex 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 Sketch Plan and the Septic 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 Agency Permits 1999-0238 and 2021-0232 in relation to the project site. The terms and conditions of Agency Permits 1999-0238 and 2021-0232 shall no longer apply 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 Permit 1999-0238A, issued August 24, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on the project site in the location, footprint, and height depicted and as described on the Sketch Plan, Dwelling Plans and Structural Plans.

Any structure on the project site 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.

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7. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit. The construction of any accessory structure on the project site outside the Proposed Clearing depicted on the Sketch Plan shall require prior written Agency authorization.
8. Construction of any guest cottage on the project site shall require prior written Agency approval.

9. Any on-site wastewater treatment system(s) on the project site 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 Sketch Plan and the Septic 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.

10. 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.
11. 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 Fairview Way or adjoining properties.
12. Outside of the Proposed Clearing depicted on the Sketch 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.
13. The undertaking of any activity involving wetlands shall require a new or amended permit.


CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, 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 Hamlet land use area;
- c. will be consistent with the overall intensity guidelines for the Hamlet land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- 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.

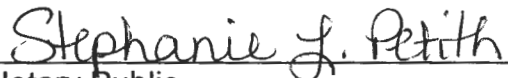
PERMIT issued this 24th day
of August, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 24th 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.


Notary Public

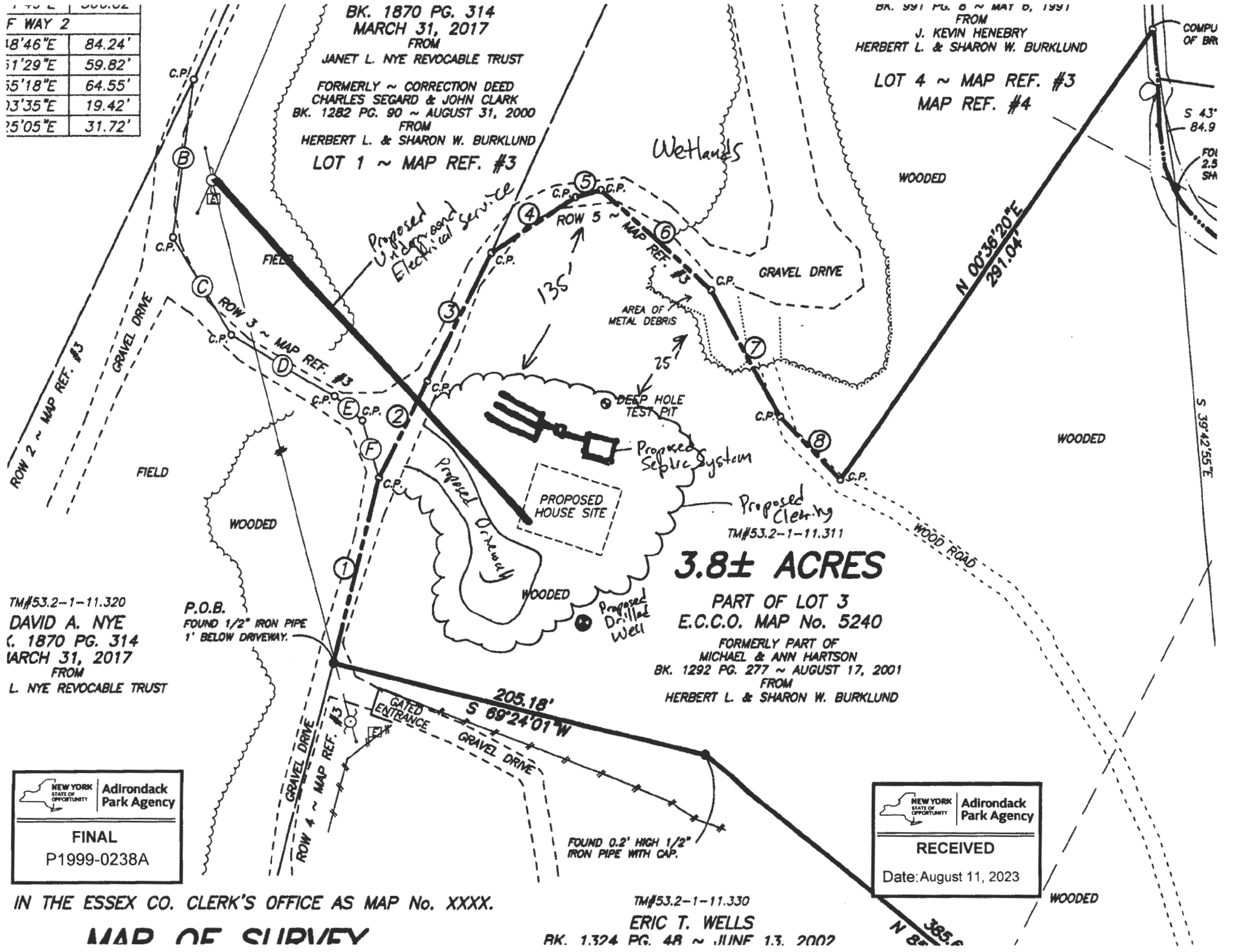
Stephanie L. Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025

17'0"E	000.02'
18'46"E	84.24'
1'29"E	59.82'
5'18"E	64.55'
13'35"E	19.42'
25'05"E	31.72'

BK. 1870 PG. 314
 MARCH 31, 2017
 FROM
 JANET L. NYE REVOCABLE TRUST
 FORMERLY ~ CORRECTION DEED
 CHARLES SEGARD & JOHN CLARK
 BK. 1282 PG. 90 ~ AUGUST 31, 2000
 FROM
 HERBERT L. & SHARON W. BURKLUND
 LOT 1 ~ MAP REF. #3

BK. 991 PG. 8 ~ MAY 0, 1991
 FROM
 J. KEVIN HENEERY
 HERBERT L. & SHARON W. BURKLUND

LOT 4 ~ MAP REF. #3
 MAP REF. #4



TM#53.2-1-11.320
 DAVID A. NYE
 C. 1870 PG. 314
 MARCH 31, 2017
 FROM
 L. NYE REVOCABLE TRUST

P.O.B.
 FOUND 1/2" IRON PIPE
 1' BELOW DRIVEWAY.

Proposed
 Clebrity
 TM#53.2-1-11.311
3.8± ACRES
 PART OF LOT 3
 E.C.C.O. MAP No. 5240
 FORMERLY PART OF
 MICHAEL & ANN HARTSON
 BK. 1292 PG. 277 ~ AUGUST 17, 2001
 FROM
 HERBERT L. & SHARON W. BURKLUND

NEW YORK STATE OF OPPORTUNITY
 Adirondack Park Agency
FINAL
 P1999-0238A

NEW YORK STATE OF OPPORTUNITY
 Adirondack Park Agency
RECEIVED
 Date: August 11, 2023

IN THE ESSEX CO. CLERK'S OFFICE AS MAP No. XXXX.

MAD OF SURVEY

TM#53.2-1-11.330
 ERIC T. WELLS
 BK. 1324 PG. 48 ~ JUNE 13, 2002