


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 www.apa.ny.gov</p>	<p>APA Permit 2007-0053D</p>
<p>In the Matter of the Application of</p> <p>RICHARD FREEBURG Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: April 2, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Richard Freeburg</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a the construction of a single family dwelling in an area classified Resource Managment on the Adirondack Park Land Use and Development Plan Map in the Town of Brighton, 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 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 Franklin County Clerk's Office. The Agency will consider the project in existence when the foundation of the single family dwelling has been constructed.

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 26.9±-acre portion of a 52.01±-acre parcel of land located on Asplin Lane (west of NYS Route 86) in the Town of Brighton, Franklin County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The 52.01±-acre parcel of land is identified as Tax Map Section 397, Block 1, Parcel 31.7. The 26.9±-acre portion of Parcel 31.7 that is the project site is described in a deed from Christopher Alcocer and Eric Holmes to Richard Freeburg, dated April 15, 2008, and recorded June 12, 2008 in the Franklin County Clerk's Office at Book 977, Page 71.

The project site was created as "Lot 5" in a six-lot subdivision as authorized by Agency Permit 2007-0053. That subdivision permit authorized construction of one single family dwelling on Lot 5, which has not been constructed.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the construction of a single family dwelling and an on-site wastewater treatment system. The dwelling is proposed approximately 200 feet to the east of the location authorized by Agency Permit 2007-0053.

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

- "Highland Farms Lot 5," prepared by Richard Freeburg, and dated February 26, 2024 (Site Plan);
- "Proposed Cabin Highland Farms Lot 5," prepared by Richard Freeburg, and dated February 26, 2024 (House Plan);
- Three sheets of plans titled "Highland Farms" and prepared by David W. Magurk, P.E.: Sheet S-1 "Site Plan" dated July 30, 2007; Sheet D-1 "Details" dated March 1, 2007; and Sheet D-2 "Details" dated March 1, 2007 (Engineer's Plan).

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

AGENCY JURISDICTION

The project authorized by Permit 2007-0053 required a permit pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, as a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands in the Adirondack Park.

The project authorized by Permit 2007-0053 required a permit pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, as a permit is required from the Adirondack Park Agency prior to any subdivision in a Resource Management land use area in the Adirondack Park.

The project authorized by Permit 2007-0053 required a permit pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, as a permit is required from the Adirondack Park Agency prior to the construction of any single family dwelling on Resource Management lands in the Adirondack Park.

This permit amends Conditions 7, 11, 12 of Permit 2007-0053.

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 Site Plan, House Plan, and Engineer's 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 Permit 2007-0053 in relation to the project site. The terms and conditions of Permit 2007-0053 shall no longer apply to the project site.
5. All conditions in Permit 2017-0015 remain in full force and effect.
6. 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 2017-0015, issued June 29, 2017, and Adirondack Park Agency Permit 2007-0053D, issued April 2, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on the project site in the location and footprint shown on the Site Plan and House Plan. The single family dwelling shall be no more than 30 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 the single family dwelling 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 on the project site installed within five years of the date of issuance of this permit shall be constructed within 175 feet of the deep-hole soils test pit ("deep hole #5) shown on the Engineer's Plan and in conformance with the design shown on the Engineer's Plan. Any on-site wastewater treatment system shall be constructed between the west or south of

the single family dwelling. 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. The project shall be undertaken in compliance with the Erosion and Sediment Control details shown on the Engineer's Plan.
11. 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.
12. 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.
13. All exterior building materials, including roof, siding and trim, of the dwelling shall be a dark shade of green, grey, or brown.
14. Outside of an area 150 feet from the single family dwelling 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 a) vegetation removal authorized by Agency Permit 2017-0015, b) within an area up to 25 feet in width for driveway construction and utility installations from Asplin Lane, and c) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
15. There shall be no more than one principal building located on the project site at any time. The single family dwelling constructed on the property in authorized herein constitutes a principal building.

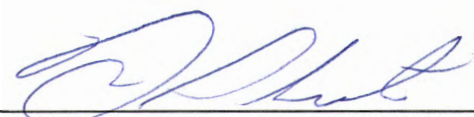
CONCLUSIONS OF LAW

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 single family dwelling 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 Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management 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 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 2nd day
of April, 2024.

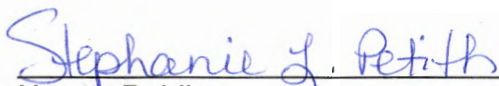
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

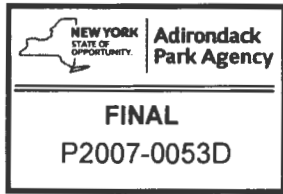
On the 2nd day of April in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged 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.

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


Notary Public

RECEIVED
ADIRONDACK PARK AGENCY

MAR 04 2024



NORTH

LOT 6

LOT 5
26.9 ACRES

16 X 36
CABIN

WELL 26'
SEPTIC
200'

ADRIANE WAY

LOT 4

LOT 3

HIGHLAND FARMS
LOT 5

SCALE 1/2" = 100 FEET

RICHARD FREEBURG 2-26-2024