


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 Permit 2013-0148A</p>
<p>In the Matter of the Application of</p> <p>JEFFERY BURAN Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: April 25, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Jeffery Buran</p>

SUMMARY AND AUTHORIZATION

This permit amends Permit 2013-0148 to authorize vegetation removal in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Peru, Clinton County.

This authorization shall expire unless recorded in the Clinton 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 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 amended 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 1.46±-acre parcel of land located on Spitfire Drive in the Town of Peru, Clinton County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 258, Block 8, Parcel 8, and is described in a deed from Jeffrey J. Buran to Jeffrey J. Buran dated February 27, 2009, recorded March 11, 2009 in the Clinton County Clerk's Office as instrument number 2009-00222574.

The project site contains shoreline on Lake Champlain.

The project site was created as "Lot 5A" in a two-lot subdivision as authorized by Agency Permit 2013-0148.

PROJECT DESCRIPTION

The project as conditionally approved herein involves vegetative removal as shown on the following plan:

- An untitled plan depicting vegetation to be removed (Cutting Plan), prepared by Jeffery Buran and received by the Agency April 3, 2023.

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

AGENCY JURISDICTION

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 Moderate Intensity Use lands that results in the creation of a shoreline lot smaller than 0.57 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 15 or more lots, parcels, or sites since May 22, 1973, in a Moderate Intensity Use land use area in the Adirondack Park.

This permit amends Condition 9 of Permit 2013-0148.

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 Clinton 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 Cutting 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 2013-0148 in relation to the project site. The terms and conditions of Permit 2013-0148 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 2013-0148A, issued April 25, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. The construction of any additional dwelling or other principal building on the project site shall require a new or amended Agency permit.
7. Prior to undertaking construction of any dock or boathouse on the project site, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
8. No structures greater than 100 square feet in size shall be constructed within 50 feet, measured horizontally, of the mean high water mark of Lake Champlain. Boathouses and docks, as defined under 9 NYCRR § 570.3, are excepted from this requirement.
9. 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 Lake Champlain or adjoining property.
10. Within 50 feet of the mean high water mark of Lake Champlain and outside of the vegetative clearing shown on the Cutting Plan, no trees greater than 6 inches in diameter at breast height may be cut or otherwise removed 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.
11. There shall be no more than two principal building(s) located on the project site at any time. The single family dwelling constructed on the property in 2003 constitutes a principal building. 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 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 Moderate Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity Use 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 25th day
of April, 2023.

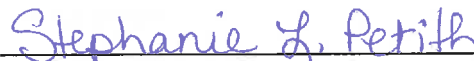
ADIRONDACK PARK AGENCY

BY: _____


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

STATE OF NEW YORK
COUNTY OF ESSEX

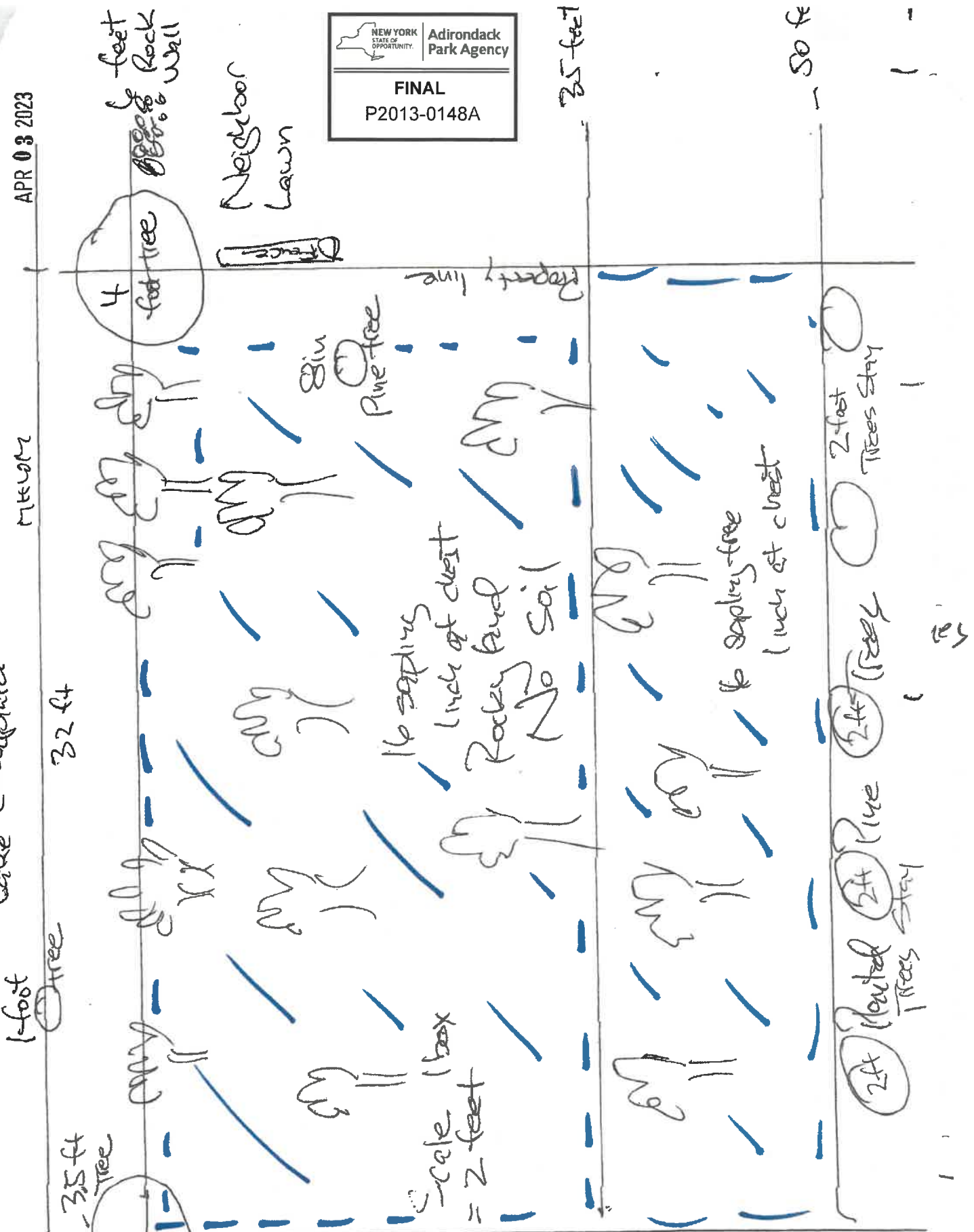
On the 25th day of April in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged 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

APR 03 2023

Wike Chaudhri



= Area to be cleared and cleared of saplings.

35 feet
32 ft
30 ft