


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 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Permit 2018-0209R</p>
<p>In the Matter of the Application of</p> <p>DAVID MACNAUGHTON REVOCABLE TRUST Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: December 14, 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. David MacNaughton Revocable Trust2. David MacNaughton

SUMMARY AND AUTHORIZATION

This permit authorizes a three-lot subdivision in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Fine, St. Lawrence County.

This authorization shall expire unless recorded in the St. Lawrence 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 from the date the permit is recorded in the St. Lawrence County Clerk's Office. 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 a 6.6±-acre parcel of land located on Lake Road in the Town of Fine, St. Lawrence County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as the following tax parcels:

- Tax Map Section 223.044, Block 1, Parcel 2.11;
- Tax Map Section 223.044, Block 1, Parcel 2.12;
- Tax Map Section 223.044, Block 1, Parcel 2.13; and
- Tax Map Section 223.036, Block 3, Parcel 1.1

The site is described in a deed from David MacNaughton, Michael MacNaughton, Gregg MacNaughton, Christopher MacNaughton and Jennifer MacNaughton as heirs of Rebecca A. MacNaughton to the David MacNaughton Revocable Trust, dated November 2, 2023, and recorded November 21, 2023 in the St. Lawrence County Clerk's Office as Instrument R-2023-00014832.

The project site contains shoreline on Star Lake. The project site also contains wetlands along the shoreline and extending into the project site. The wetlands are a mix of shrub swamp and emergent marsh with a value rating of "2". Additional wetlands not described herein or depicted on the Survey may be located on or adjacent to the project site, specifically along the shoreline of Lot 4 (223.044-1-2.11) and along the northern boundary of Lot 1 (223.036-3-1.1) as depicted on the Survey referenced herein.

The project site is improved by a single-family dwelling constructed in 1920.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a three-lot subdivision of an existing 5.1±-acre shoreline property consisting of former tax parcels 223.044-1-1.2, 1.12, 2 and 21, creating: Lot 2, a 1.9±-acre vacant lot with 352± feet of shoreline (223.044-1-2.13); Lot 3, a 1.5±-acre vacant lot with 266± feet of shoreline (223.044-1-2.12); and Lot 4, a 1.7±-acre lot improved by an existing single family dwelling with 392± feet of shoreline (223.044-1-2.11). No new land use or development is currently proposed, except for one dock each on Lot 2 and Lot 3. On lots 2 and 3, a potential single family dwelling development area, including access drive and on-site wastewater treatment system location has been identified.

Existing tax parcel 223.036-3-1.1 is a 1.5±-acre vacant lot with 396± feet of shoreline on Star Lake (Lot 1) and is included in the project site for the purposes of applying the Agency's Overall Intensity Guidelines.

The project as authorized herein was originally approved by Agency Permit 2018-0209. The project is not yet in existence, and Permit 2018-0209 has expired.

The proposed project is shown on a survey entitled, "Map Showing Subdivision Plan, Lands of Rebecca A. MacNaughton, Cottage Lot Nos. 54 thru 71," prepared by Thew Associates, LS, with a final revision date of June 18, 2019 (Survey). A reduced-scale copy of the Survey is attached as a part of this permit for easy 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 undertaking any subdivision involving wetlands 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 St. Lawrence 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 Survey 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 2018-0209 in relation to the project site. The terms and conditions of Permit 2018-0209 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 2018-0209R, issued December 14, 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 a three-lot subdivision as depicted on the Survey. Any subdivision of the project site not depicted on the Survey shall require a new or amended Agency permit.
7. The deed of conveyance for Lot 1 shall contain a covenant restricting the property against the construction of any single family dwelling, mobile home, or other principal building as that term is defined under the Adirondack Park Agency Act. The deed shall state that the covenant shall run with, touch and concern the land, and that the covenant shall be enforceable by the Adirondack Park Agency and the State of New York.
8. The construction of any dwelling or other principal building on Lot 2 or on Lot 3 shall require a new or amended permit.

9. This permit authorizes the construction of one dock each on Lot 2 and Lot 3 as depicted on the Survey. The construction of any other accessory structures on the project site, including but not limited to docks and boathouses and guest cottages, shall require prior written Agency authorization.
10. The construction of any new or replacement on-site wastewater treatment system on the project site shall require prior written Agency authorization.
11. Pursuant to the Adirondack Park Agency Act, new structures greater than 100 square feet in size are prohibited within 75 feet, measured horizontally, of the mean high water mark of Star Lake.
12. Outside of the limits of disturbance shown on the Survey or within 50 feet of any wetland boundary, no trees greater than 6 inches in diameter at breast height may be cut, culled, trimmed, pruned or otherwise removed or disturbed on Lot 2 or Lot 3 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.
14. There shall be no principal buildings located on Lot 1.
15. There shall be no more than one principal building located on Lot 2. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
16. There shall be no more than one principal building located on Lot 3. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
17. There shall be no principal buildings located on Lot 4 other than the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.

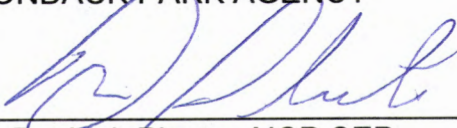
CONCLUSIONS OF LAW

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 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; and
- 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.

PERMIT issued this 14th day of December, 2023.

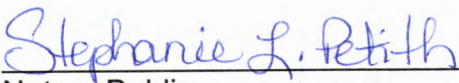
ADIRONDACK PARK AGENCY

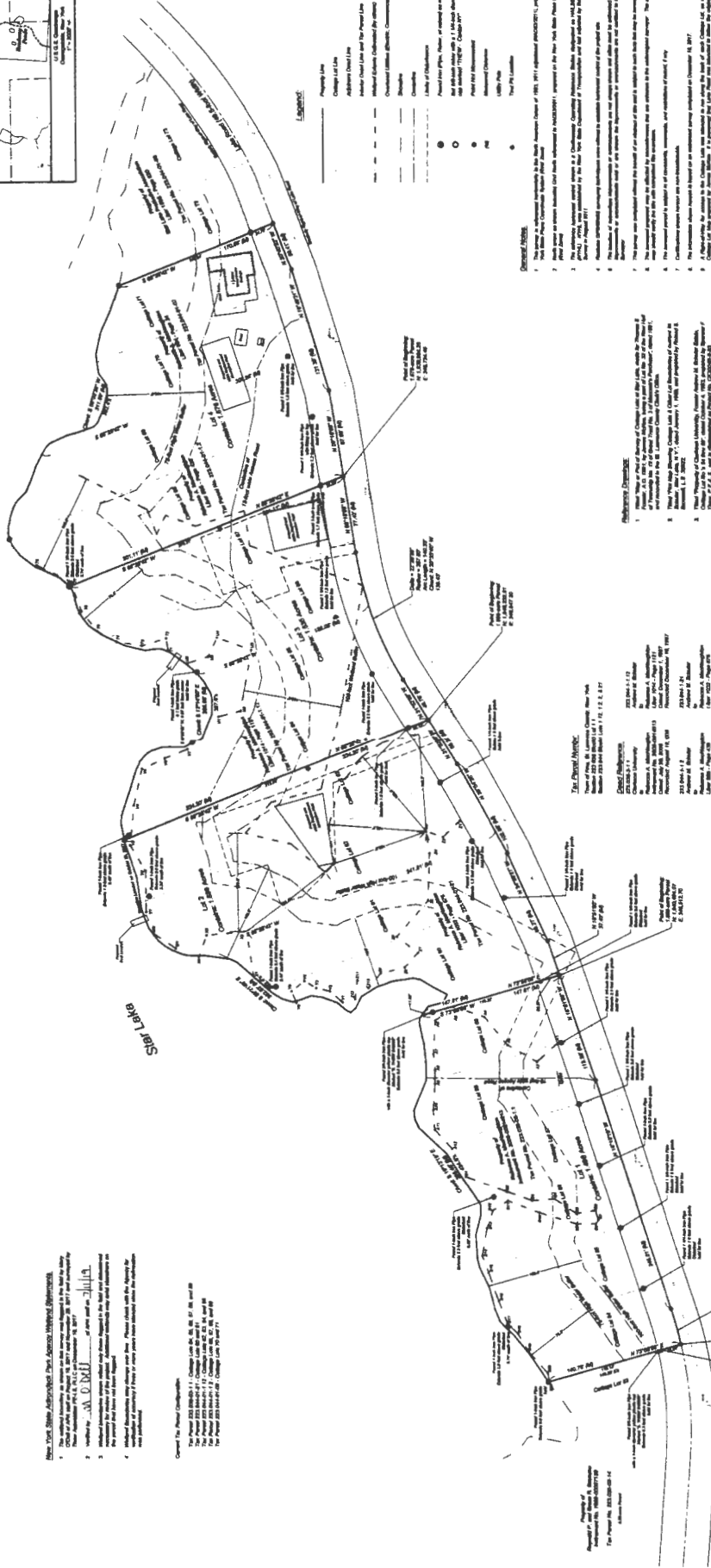
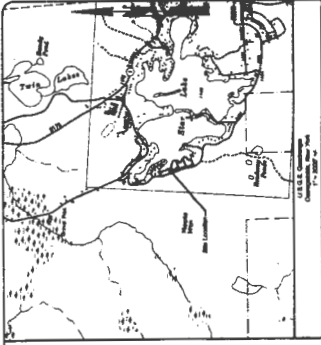
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 14th day of December 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



1. The project is subject to the following conditions:

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3. The project is subject to the following conditions:
4. The project is subject to the following conditions:

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3. The project is subject to the following conditions:
4. The project is subject to the following conditions:

THE ENGINEER:

Name of Firm: [Name], License No. [No.]

CITY ENGINEER:

Name of Firm: [Name], License No. [No.]

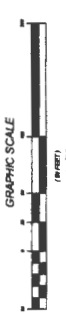
PLANNING COMMUNITY:

Name of Firm: [Name], License No. [No.]

LEGEND

- Proposed Lot Lines
- Adjacent Lot Lines
- Proposed Right-of-Way Lines
- Adjacent Right-of-Way Lines
- Proposed Easements
- Adjacent Easements
- Proposed Subdivisions
- Adjacent Subdivisions
- Proposed Easements
- Adjacent Easements
- Proposed Easements
- Adjacent Easements

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Map Showing Subdivision Plan	
Lands of Rebecca A. MacNaughton	
College Lot Nos. 64 thru 71	
File No. 2019-0209R	
City of Boise, Idaho	
County of Ada, Idaho	
State of Idaho	
Date: 10/15/2019	
Prepared by: [Name]	
Checked by: [Name]	
City Engineer: [Name]	
City Engineer License No. [No.]	
City Engineer Signature	
City Engineer Seal	
City Engineer Title	

RECEIVED

PLANNING COMMUNITY

10/15/2019

FINAL

P 2019-0209R

PLANNING COMMUNITY:

Name of Firm: [Name], License No. [No.]

THE ENGINEER:

Name of Firm: [Name], License No. [No.]

CITY ENGINEER:

Name of Firm: [Name], License No. [No.]

PLANNING COMMUNITY:

Name of Firm: [Name], License No. [No.]