


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 2021-0135</p>
<p>In the Matter of the Application of</p> <p>SUSAN FOLTA, NORMAN O. AAMODT, JR., JASON B. AAMODT, Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: May 4, 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. Susan Folta2. Norman O. Aamodt, Jr.3. Jason B. Aamodt

SUMMARY AND AUTHORIZATION

This permit authorizes a four-lot subdivision in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of North Elba, 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 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 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 282.3±-acre parcel of land located on Bear Club Lane in the Town of North Elba, Essex County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 51, Block 1, Parcel 23.100, and is described in a deed from Norman O. Aamodt and Marjorie M. Aamodt to Susan Folta, Norman O. Aamodt, Jr., and Jason B. Aamodt, dated March 1, 2012, and recorded March 15, 2012 in the Essex County Clerk's Office under Instrument Number 2012-1153.

The project site contains freshwater emergent, forested, and scrub-shrub wetlands. 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 improved by two pre-existing single family dwellings each served by their own on-site wastewater treatment system. The project site is also improved by two barns, an abandoned sawmill, and multiple access drives.

The project site was created as "Lot 4" in a four-lot subdivision as authorized by Agency Permit 2004-0051.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a four-lot subdivision creating a 42.8±-acre lot and a 19.0±-acre lot, each with a pre-existing single family dwelling; and a 194.9±-acre vacant lot and 25.6±-acre vacant lot, each for construction of one single family dwelling.

The project is shown on a map titled "Map of Snow Hill Farm Property," prepared by John H. Martino, LS, and received by the Agency on April 5, 2023 (Site Plan). A reduced-scale copy of the Site Plan is attached as part of this permit for 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 any subdivision involving wetlands 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 in a Resource Management land use area 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 the construction of any single family dwelling on Resource Management lands in the Adirondack Park.

Condition 4 of Permit 2004-0051 requires a new or amended permit for any further subdivision of the project site.

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 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 Permit 2004-0051 in relation to the project site. The terms and conditions of Permit 2004-0051 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 2021-0135, issued May 4, 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 four-lot subdivision as depicted on the Site Plan. Any subdivision not depicted on the Site Plan shall require a new or amended permit.
7. Any deed of conveyance for Lot 4 as depicted on the Site Plan shall contain an easement providing driveway access to lots 5, 6, and 7 over the easement areas shown and described on the Site Plan.
8. Any deed of conveyance for Lot 5 as depicted on the Site Plan shall contain an easement providing driveway access to lots 4, 6, and 7 over the easement areas shown and described on the Site Plan.
9. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling in the locations shown on the Site Plan for Lot 6 and Lot 7.

Each 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. Each single family dwelling shall be less than 2800 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any expansion beyond these dimensions shall require prior written Agency authorization.

10. The undertaking of any new land use or development not authorized herein on the project site shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
11. Construction of any guest cottage on the project site shall require prior written Agency approval.
12. Prior to construction of any on-site wastewater treatment system(s) on the project site, written authorization shall be obtained from the Agency for plans prepared by a New York State design professional (licensed engineer or registered architect) that comply with the Agency's Project Guidelines for Residential On-Site Wastewater Treatment, and with Agency standards in 9 NYCRR Appendix Q-4.

Installation of the approved plans shall be under the supervision of a licensed design professional. Within 30 days of complete system installation and prior to utilization, the design professional shall provide the Agency with written certification that the system was installed in compliance with the Agency authorized plan set.

13. 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.
14. 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, Bear Club Lane, or adjoining property.
15. All exterior building materials, including roof, siding and trim, of any new structure on the project site shall be a dark shade of green, grey, or brown.
16. On lots 6 and 7 and within 300 feet of the edge of the "wooded area" depicted on the Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed without prior written Agency authorization, except for a) within an area up to 25 feet in width for driveway construction and utility installations between the existing access road(s) and the proposed single family dwelling, b) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
17. There shall be no principal buildings located on lots 4 and 5 other than the pre-existing single family dwellings (one on each lot) or any replacement structure for these dwellings as allowed by Agency regulations.
18. There shall be no more than one principal building located on each of lots 6 and 7 at any time. Each single family dwelling authorized herein (one on each lot) constitutes a principal building.

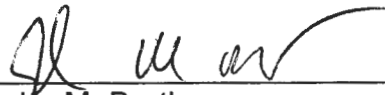
CONCLUSIONS OF LAW

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 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 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 4th day
of may, 2023.

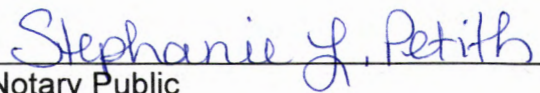
ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 4th day of may in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, 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

