


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 2021-0148</p>
<p>In the Matter of the Application of</p> <p>DUNN WITH GRACE PROPERTY MANAGEMENT, LLC Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: February 24, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <p>1. Dunn with Grace Property Management, LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes construction of a driveway involving wetlands and roadside vegetation removal in an area classified Moderate Intensity Use 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 the authorized driveway is constructed or the roadside vegetation is removed.

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 1.39±-acre parcel of land located on Wesvalley Road in the Town of North Elba, Essex 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 42.2, Block 3, Parcel 4.200, and is described in a deed from Phillip J. Wilsey as surviving tenant by the entirety to Dunn with Grace Property Management, LLC, dated June 4, 2021, and recorded June 25, 2021 in the Essex County Clerk's Office at Book 2040, Page 229.

The project site contains coniferous forested wetlands with a value rating of "4" on the northern side of the parcel, and additional wetlands at the western edge of the project site.

The project site and commercial use structures and associated site development were authorized by Agency Permit 2000-66. Existing access to the project site is from Wesvalley Road at the southern end of the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of a second driveway on the northern end of the project site to provide improved access and sight distance for vehicles entering and exiting from Wesvalley Road. Construction of the second driveway will involve 88 square feet of wetland fill and include roadside vegetation removal.

The project is shown on a Site Plan titled "Site Plan Prepared for Dunn with Grace Property Management LLC," prepared by Adirondack Surveying PLLC, and dated last revised January 18, 2023. A reduced-scale copy of the Site Plan is attached as a 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 deposit of fill in and/or excavation of a wetland in the Adirondack Park.

Condition 13 of Agency Permit 2000-66 restricted vegetation removal within 100 feet of the centerline of Wesvalley Road.

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, for as long as commercial uses continue on the site. Copies of this permit and the 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 2000-66 in relation to the project site. The terms and conditions of Permit 2000-66 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 2021-0148, issued February 24, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes the construction of a second driveway and wetland fill in the location shown and as depicted on the Site Plan. Any change to the location or expansion of any existing commercial use structures on the project site, or the construction of additional accessory structures shall require prior written Agency authorization.
7. Prior to the construction of the driveway authorized herein, the wooden shed shown and described on the Site Plan and any associated fill within the wetland boundary shall be removed. All disturbed soils in this area shall be allowed to re-vegetate naturally.
8. Erosion and sediment controls shall be undertaken as shown and described on the Site Plan.
9. 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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
10. Any new free-standing or building-mounted outdoor lights associated with driveways and commercial uses on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Wesvalley Road or adjoining property.

11. All signs associated with the commercial uses on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
12. Within 100 feet of the centerline of Wesvalley Road, no trees over 10 inches in diameter at breast height shall be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of an area up to 25 feet in width for driveway construction as shown on the Site Plan and dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
13. No vegetation will be removed within wetlands on the project site without prior written Agency authorization, except for the 88-square-foot area involving wetlands for driveway construction as shown on the Site Plan.
13. Except as specifically authorized herein, the undertaking of any additional activity involving wetlands shall require a new or amended permit.

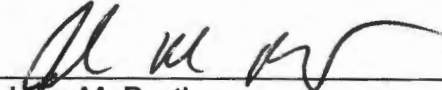
CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578 and 9 NYCRR Part 574. The Agency hereby finds that the project 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 land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity 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. is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this 24th day
of February, 2023.

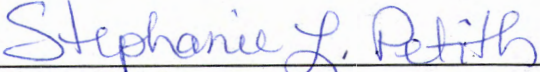
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 24th day of February 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

Map Notes:

- Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of section 7200, sub-division 2 of the New York State Education Law.
- Only copies from the original of this Boundary Survey marked with an original of the Land Surveyor's embossed seal shall be considered valid true copies. (mylar prints shall be stamped with the surveyor's seal with an original signature)
- Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to the persons for whom the Boundary Survey is prepared, to the title company, to the governmental agency, and to the lending institution listed on this Boundary Survey map and to the intelligibility of the existing situation. Those certifications are not transferable to additional institutions or subsequent owners.
- This map may not be used in connection with a "Survey Affidavit" or similar document, instrument, or mechanism to obtain title insurance for any subsequent or future grantee.
- Copyright 2021, Adirondack Surveying PLLC. All rights reserved.
- The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvement or encroachment exist or are shown, the improvements or encroachments are not covered by this certification.
- North arrow and bearings based on the Reference Map.
- Building offsets, as shown on this map, are not to be used for construction purposes.
- Subject to any and all right of ways and easements of record, if any.
- Survey is subject to any findings discoverable by inspection.
- Survey compiled utilizing information shown in the title insurance report, Title No. A533574, prepared by First American Title Insurance Company, commitment date May 08, 2021.
- Subject to the following:
 - Waterline reservation as described in Deed Book 207 page 283
 - Telephone line Easement as described in Deed Book 386 page 370
 - APA Planned Project 2000-09 filed in APA Book 60 page 239
 - Restrictive Covenants and Right of First Refusal as described in Deed Book 1254 page 183
- Dwelling shown hereon served by underground utilities.
- Survey subject to any right, title or interest the public may have in and to that portion of Weesvalley Road used for highway purposes.
- Parcel is located within the "Hemlock" Adirondack Park Agency Land Use Classification.

Reference Deed:

Martin L. Perkins to Phillip J. Wilkey and Mary Ellen Wilkey by deed dated July 17, 2000 and recorded in Deed Book 1254 at page 183 on July 18, 2000 in the Essex County Clerk's Office.

Reference Map:

"Map of Survey showing certain lands of Martin Perkins" prepared by Robert M. Merwin, Jr., L.S. dated September 08, 1998 and filed in the Essex County Clerk's Office as map # 6006.

Tax Map Reference:

Section 42.2 - Block 3 - Lot 4.300
Town of North Elba - County of Essex

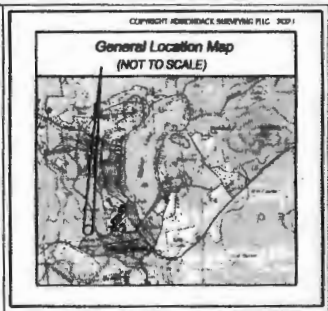
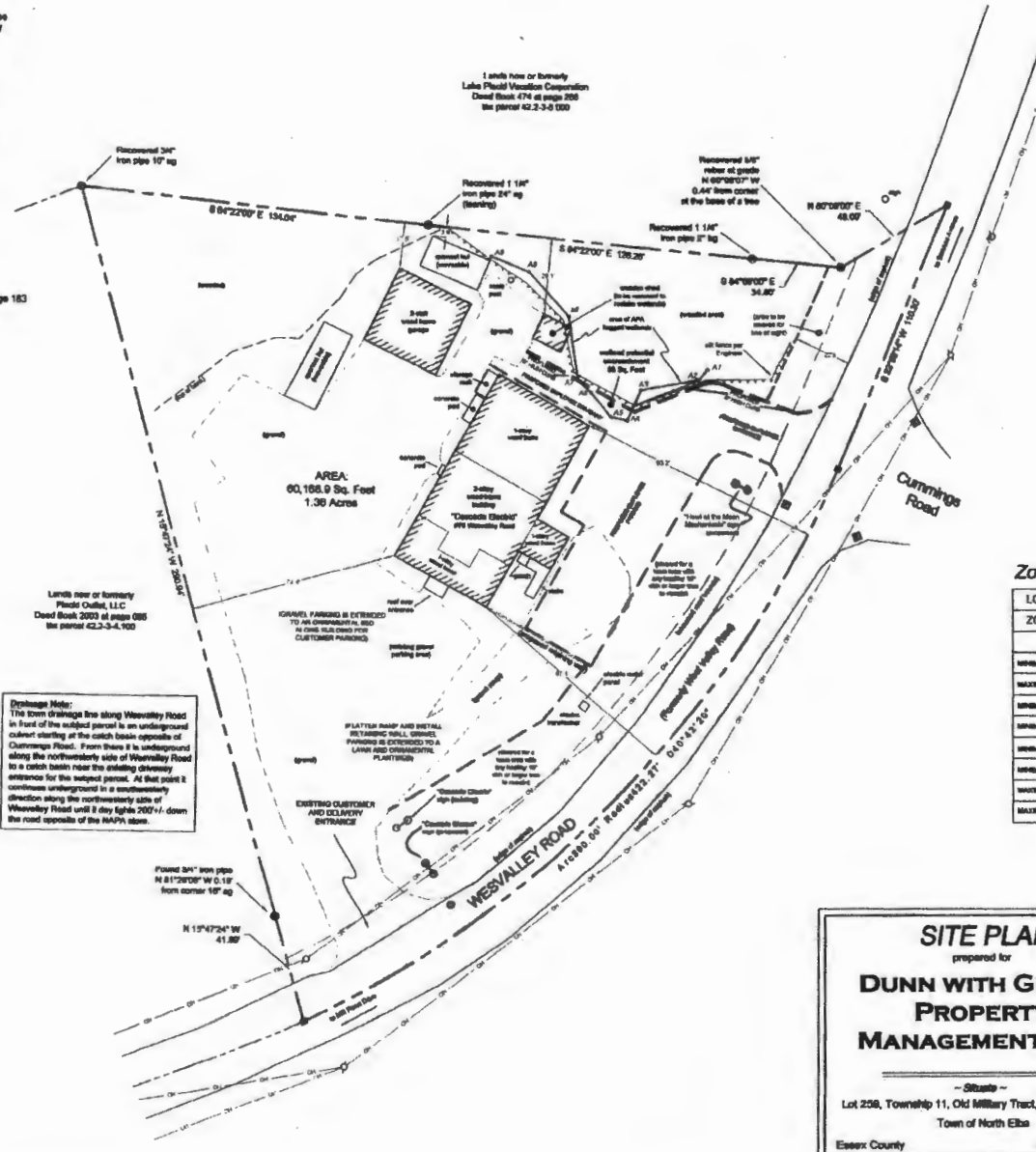
Legend:

- ⊙ Set 60 meter (200') of plastic "X" (fluorescent) survey cap
- ⊙ Fixed Property Evidence (as described)
- Calculated corner
- ⊕ Fire hydrant
- ⊙ Markers
- ▣ Catch basin
- ⊕ Utility pole
- ⊕ Below grade
- ⊕ Above grade
- ⊕ APA utility tag
- Priority line
- Overhead utility line
- Building setback line
- DR fence (approx)

Drainage Note:
The storm drainage line along Weesvalley Road in front of the subject parcel is an underground culvert starting at the catch basin opposite of Cummings Road. From there it is underground along the northwesterly side of Weesvalley Road to a catch basin near the existing driveway entrance for the subject parcel. At that point it continues underground in a westerly direction along the northwesterly side of Weesvalley Road until it discharges 250'± down the road opposite of the HANP sign.

Lands near or formerly Parcel Outlet, LLC
Deed Book 2003 at page 085
see parcel 42.2-3-4.100

Lands near or formerly Lake Placid Vacation Corporation
Deed Book 474 at page 255
see parcel 42.2-3-5.100



Adirondack Park Agency
RECEIVED
Date: January 18, 2023
Adirondack Park Agency
FINAL
P2021-0148

Zoning Information:

LOCATION: 75 Weesvalley Road	
ZONE: Old Military Corridor District	
ITEM	REQUIREMENTS
MINIMUM LOT AREA	0.35 acres (15,000 sq ft)
MAXIMUM RESIDENTIAL DENSITY	8 units / acre
MINIMUM LOT WIDTH	75 feet
MINIMUM FRONT SETBACK	Average yard setbacks
MINIMUM SIDE SETBACK	10 feet minimum/25' total both sides
MINIMUM REAR SETBACK	10 feet
MINIMUM BUILDING HEIGHT	30 feet
MAXIMUM IMPERVIOUS AREA	70%

SITE PLAN
prepared for
DUNN WITH GRACE PROPERTY MANAGEMENT LLC

— State —
Lot 258, Township 11, Old Military Tract, Richard's Survey
Town of North Elba
Essex County State of New York

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Page #	Rev.	Date	By	Reason	Revision Description
1	0001	04/22/22	R. Schaefer	initial	added catch basins and drainage notes
1	0002	01/18/23	R. Schaefer	revised	added catch basins and drainage notes

PROJECT SURVEYOR
Ralph C. Schaefer III, L.S.
NYS License No. 080409

