

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 2021-0260</p>
<p>In the Matter of the Application of</p> <p>MICHAEL BLACK and BENJAMIN BLACK 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 11, 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. Michael Black2. Benjamin Black

SUMMARY AND AUTHORIZATION

This permit authorizes a six-lot subdivision and construction of five single family dwellings in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Stony Creek, Warren County.

This authorization shall expire unless recorded in the Warren 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 Warren 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 152.06±-acre parcel of land located on Harrisburg Road in the Town of Stony Creek, Warren County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 256, Block 1, Parcel 6, and is described in a deed from Robert J. Tranter to Michael Black and Benjamin Black, dated August 25, 2021, and recorded September 30, 2021 in the Warren County Clerk's Office under Instrument Number 2021-8266.

The project site contains shoreline on Harrisburg Lake. The project site also contains freshwater emergent, forested, and scrub-shrub wetlands. Value "1" wetlands are extensive along the shoreline of Harrisburg Lake and extend far into the lake, as well as between the shoreline and the proposed single family dwellings on lots 1, 3 and 4. 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 a single family dwelling and existing on-site wastewater treatment system.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a six-lot subdivision of 152.06± acres of land for the construction of five new single-family dwellings, each with an on-site wastewater treatment system and on-site water supply. Three lots will be accessed from Harrisburg Road and three lots will be accessed from an existing private road through the property. The permittee proposes to extinguish seven building rights as part of this subdivision.

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

- "Map of Survey prepared for Mike Black Harrisburg Road Subdivision," prepared by Shepard Land Surveying, dated October 2021, and last revised February 27, 2023 (Site Plan);
- Fourteen sheets of plans titled "Adirondack Mt. Land LLC, Harrisburg Lake Subdivision, Stony Creek, New York, Septic System Site Plans," prepared and stamped by Mark J. Buckley, PE, with sheets 1 – 4 dated January 3, 2023 and sheets 5 – 14 dated November 15, 2022 (Septic Plans); and
- "Stormwater Pollution Prevention Plan, Adirondack Mountain Land, LLC," prepared and stamped by Mark J. Buckley, PE, and dated February 6, 2023 (SWPPP).

A reduced-scale copy of the Site Plan for the project 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 of Rural Use lands that results in the creation of a non-shoreline lot smaller than 7.35 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 five or more lots, parcels, or sites since May 22, 1973, in a Rural land use area 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 Warren 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, Septic Plans, and SWPPP 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. 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 2021-0260, issued May 11, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. Subject to the conditions stated herein, this permit authorizes a six-lot subdivision as depicted on the Site Plan. Any subdivision not depicted on the Site Plan shall require a new or amended permit.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on each of lots 1, 2, 3, 4, and 6 in the locations shown on the Site Plan.

Each single family dwelling shall be no more than 35 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 1500 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.

7. 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.
8. There shall be no boathouses on the project site.
9. There shall be no docks on the project site.
10. No structures greater than 100 square feet in size shall be constructed within 75 feet, measured horizontally, of the mean high water mark of Harrisburg Lake.
11. Any on-site wastewater treatment systems on Lots 1, 2, 3, 4, and 6 installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the Septic Plans. 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.

12. All erosion and sediment controls and stormwater management practices on the project site shall be undertaken in compliance with the Stormwater Pollution Prevention Plan (SWPPP).
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, or toward Harrisburg Road, Harrisburg Lake, 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 1, 2, 3, 4, and 6 and outside of the clearing limits shown 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 a 30-foot-wide corridor containing the existing access road on Lots 1 and 2, b) to maintain the existing clearing containing the parking area at the end of the access road on Lot 1, c) the removal of trees for firewood, and d) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

17. On Lot 5 and greater than 130 feet to the east, and 75 feet from the north, south, and west of the existing house shown 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 a 30-foot-wide corridor containing the existing access road on Lot 5, b) the removal of trees for firewood, and c) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
18. There shall be no more than two principal buildings located on each of lots 1, 2, 3, 4, and 6 at any time. Each single family dwelling authorized herein constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
19. There shall be no more than one principal building located on Lot 5, in addition to the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
20. Any deed of conveyance for Lot 5 as depicted on the Site Plan shall contain an easement providing access to lots 1 and 2 over the existing access road shown and described on the Site Plan.
21. Any deed of conveyance for Lot 1 as depicted on the Site Plan shall contain an easement providing access to Lot 2 over the existing access road shown and described on the Site Plan.

CONCLUSIONS OF LAW

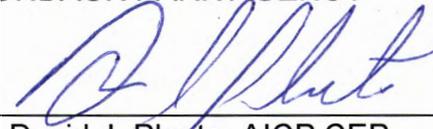
The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision authorized as conditioned herein:

- 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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural 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;
- 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 11th day
of May, 2023.

ADIRONDACK PARK AGENCY

BY:



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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 11th day of May 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

