


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE 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 2021-0271</p>
<p>In the Matter of the Application of</p> <p>ROGER R. VALKENBURGH AND VIRGINIA H. VALKENBURGH Permittees</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: November 26, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Roger R. Valkenburgh 2. Virginia H. Valkenburgh</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Harrietstown, Franklin County.

This authorization shall expire unless recorded in the Franklin 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 Franklin 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 4.03-acre parcel of land located on NYS Route 30 and Lake Clear in the Town of Harrietstown, Franklin County. A portion (2.0 acres) of the project site, located on both sides of NYS Route 30, is classified Resource Management on the Adirondack Park Land Use and Development Plan Map. A portion (2.03 acres) of the project site, located south of NYS Route 30, is classified Moderate Intensity Use. The site is identified as Tax Map Section 422, Block 2, Parcel 17.200, and is described in the following deeds: A deed from Craig D. Mills and Constance H. Mills to Roger R. Valkenburgh and Virginia H. Valkenburgh, dated February 20, 1999, and recorded February 26, 1999 in the Franklin County Clerk's Office at Book 717, Page 334; and a deed from Mark Simkins, Stephen Simkins, and Julie Hardie to Roger R. Valkenburgh and Virginia H. Valkenburgh, dated December 11, 2006, and recorded December 18, 2006 in the Franklin County Clerk's Office at Book 934, Page 168.

The project site was created when the 0.53-acre Moderate Intensity Use "Lot 2" was merged with the adjoining Tax Map Section 422, Block 2, Parcel 17.200 as authorized by Agency Permit 2007-246.

The project site is improved by a single family dwelling located on the Resource Management portion of the property, and an on-site wastewater treatment system, garage, boathouse, and dock serving the existing dwelling, which are located on the adjacent Moderate Intensity Use land.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of 4.03 acres to create Lot 1: a vacant 1.17-acre Moderate Intensity Use lot for the construction of a single family dwelling, on-site wastewater treatment system, and potable water well; and Lot 2: a 2.86-acre lot consisting of 2.0 acres of Resource Management land improved by an existing single family dwelling, and 0.86 acres of Moderate Intensity Use land improved by an on-site wastewater treatment system, garage, boathouse, and dock serving the existing Resource Management dwelling.

The project is shown on the following maps, plans, and reports (Project Plans):

- A survey map titled "Map of Survey Prepared for Roger R. & Virginia H. Valkenburgh Showing Proposed Subdivision," prepared by Geomatics Land Surveying, PC, and dated July 11, 2024 (Site Plan); and
- A three-page set of plans titled "Valkenburgh Septic, NYS Route 30, Harrietstown," prepared by North Woods Engineering, PLLC, and dated June 9, 2023 (OSWTS Plan).

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

AGENCY JURISDICTION

This permit amends Condition 5 of Permit 2007-246.

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 Franklin 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 Project Plans 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 2007-246 in relation to the project site. The terms and conditions of Permit 2007-246 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 2021-0271, issued November 26, 2024, 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 two-lot subdivision as depicted on the Site Plan. Any further subdivision of the Moderate Intensity Use portions of the project site not depicted on the Site Plan shall require a new or amended permit.
7. The Resource Management portion of Lot 2 shall not be conveyed separately from the Moderate Intensity Use portion of Lot 2 without prior Agency authorization.
8. Any deed of conveyance for Lot 2 as depicted on the Site Plan shall contain an easement providing access to Lot 1 over the right-of-way shown and described on the Site Plan.
9. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on Lot 1 in the location and footprint shown and as described on the Site Plan. The single family dwelling shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. Any change to the location or dimensions of the single family dwelling shall require prior written Agency authorization.

10. The construction of any accessory structure on Lot 1 outside the limits of clearing depicted on the Site Plan shall require prior written Agency authorization.
11. The construction of any dwelling or other principal building on the Moderate Intensity Use portion of Lot 2 shall require a new or amended permit.
12. The construction of any guest cottage on the project site shall require prior written Agency authorization.
13. Prior to undertaking construction of any additional boathouse on the project site, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
14. Prior to undertaking construction of any additional dock on the project site, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
15. 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 Clear in a Moderate Intensity Use land use area. Boathouses and docks, as defined under 9 NYCRR § 570.3 are excepted from this requirement.
16. No structures greater than 100 square feet in size shall be constructed within 100 feet, measured horizontally, of the mean high water mark of Lake Clear in a Resource Management land use area. Boathouses and docks, as defined under 9 NYCRR § 570.3 are excepted from this requirement.
17. Any on-site wastewater treatment system(s) on Lot 1 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 OSWTS Plan. 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.
18. 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.
19. Any new free-standing or building-mounted outdoor lights on Lot 1 shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Lake Clear, Route 30, or adjoining property.

20. All exterior building materials, including roof, siding and trim, of the dwelling authorized herein shall be a dark shade of green, grey, or brown.
21. Outside of the limits of clearing shown on the Site Plan, no trees greater than 6 inches in diameter at breast height may be cut, culled, trimmed, pruned or otherwise removed on Lot 1 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.
22. There shall be no more than one principal building(s) located on Lot 1 at any time. The single family dwelling authorized herein constitutes a principal building.
23. There shall be no more than one principal building(s) located on the Moderate Intensity Use portion of Lot 2. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
24. There shall be no principal buildings located on the Resource Management portion of Lot 2 other than the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.

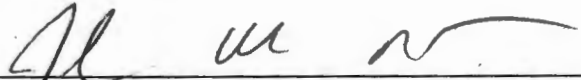
CONCLUSIONS OF LAW

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 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.

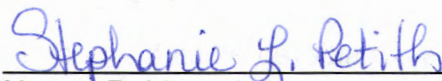
PERMIT issued this 26th day
of November, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 26th day of November in the year 2024, 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.


Notary Public

Stephanie L. Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025

