


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 2022-0098</p>
<p>In the Matter of the Application of</p> <p>POINTS 44 NORTH 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: March 21, 2023</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <p>1. Points 44 North LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a three-lot subdivision and construction of three single family dwellings in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Jay, 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 247.24±-acre parcel of land located on Stickney Bridge Road in the Town of Jay, Essex 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 17.4, Block 1, Parcels 25.110, 26.000 and 13.000, and is described in a deed from Joseph R. Dastoli, III and Gary Dastoli to Points 44 North LLC, dated July 22, 2021 and recorded in the Essex County Clerk's Office on August 6, 2021 as Instrument #2021-4039.

The project site contains shoreline on the East Branch AuSable River and is located partially within the designated East Branch AuSable River Recreational Area. The project site also contains wetlands that are located greater than 100 feet to the north of the authorized subdivision and development. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The project site was created as "Lot 1" in a nine-lot subdivision as authorized by Agency Permit 2005-0250.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a three-lot subdivision of the 247.24±-acre project site, to create an 8.48±-acre lot, a 12.76±-acre lot and a 226±-acre lot. One single family dwelling and garage will be constructed on each of the three lots, including the installation of an associated on-site wastewater treatment system and individual water supply well.

The project is shown on the following Project Plans:

- Two-sheet set of plans titled "Points 44 North, LLC Subdivision 2023," prepared by Upstate Design Associates, LLC, stamped February 6, 2023 and received by the Agency on February 10, 2023 (Site Plans); and
- Single-sheet map titled "Map of Limited Survey of certain lands of Points 44 North, LLC showing Points 44 North Subdivision 2023," prepared by Adirondack Surveying, PLLC, dated January 30, 2023 and received by the Agency on March 6, 2023 (Survey Map).

A reduced-scale copy of Sheet 1 of the Site Plans 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 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 that results in the creation of five or more lots, parcels, or sites since May 22, 1973, in a Rural Use land use area in the Adirondack Park.

Condition 14 of Agency Permit 2005-0250 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 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, Wild, Scenic and Recreational Rivers System Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Permit 2005-0250 in relation to the project site. The terms and conditions of Permit 2005-0250 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 2022-0098, issued March 21, 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 Project Plans. Any subdivision not depicted on the Project Plans shall require prior written Agency authorization. Any additional subdivision of the project site shall require a new or amended permit.
7. Any deed of conveyance for Lot 1 or 3 shall contain easements providing access to lots 1, 2 and 3 over the easement area shown and described on the Project Plans.
8. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and one garage on Lots 1, 2 and 3 in the location, footprint, and height shown and as described on the Site Plans. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
9. The undertaking of any new land use or development on Lot 3 within one-quarter mile of the East Branch AuSable River shall require a new or amended permit. The undertaking of any activity involving wetlands on the project site shall also require a new or amended permit.

10. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit. The construction of any accessory structure on any of the lots authorized herein outside the limits of clearing shall require prior written Agency authorization.
11. Construction of any guest cottage on the project site shall require prior written Agency authorization.
12. The undertaking of any new land use or development on the project site within one-quarter mile of the East Branch AuSable River shall require a new or amended permit.
13. Pursuant to the Adirondack Park Agency Act and Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act, new structures are prohibited within 150 feet, measured horizontally, of the mean high water mark of the East Branch AuSable River.

Docks and boathouses as defined under 9 NYCRR § 570.3 are excepted from this requirement. Fences, poles, lean-tos, and bridges are also excepted from this requirement, except that no fence, pole, lean-to, or bridge greater than 100 square feet in size may be located within 75 feet of the mean high water mark.

14. The construction of any dock or boathouse on Lot 3 shall require prior written Agency authorization.
15. Any on-site wastewater treatment system(s) on the project site 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 Site 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.

16. The project shall be undertaken in compliance with the erosion and sediment controls shown on the Site Plans.
17. 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.

18. Any new free-standing or building-mounted outdoor lights 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 adjoining property.
19. All exterior building materials, including roof, siding and trim, of any structure on the project site shall be a dark shade of green, grey, or brown.
20. Outside of the limits of clearing shown on the Site Plans for Lots 1 and 2, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site 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.
21. Outside of the limits of clearing shown on the Site Plans for Lot 3 and within 100 feet of wetlands or the East Branch AuSable River, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site 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 located on Lot 1 at any time. The single family dwelling authorized herein constitutes a principal building.
23. There shall be no more than two principal buildings located on Lot 2 at any time. The single family dwelling authorized herein constitutes one principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
24. There shall be no more than 27 principal buildings located on Lot 3 at any time. The single family dwelling authorized herein constitutes one principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

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 21st day
of March, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 21st day of March 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.


Notary Public

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

