


THIS IS A TWO-SIDED DOCUMENT

 <p><b>Adirondack Park Agency</b></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 <b>2022-0184</b></p>
<p>In the Matter of the Application of</p> <p><b>JOHN A. WELCH, LEANNA L. WELCH, MARYELLEN WELCH, REBECCA L. RICE, and SUSAN M. LAROCK</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577 and 9 NYCRR Part 578</p>	<p>Date Issued: June 29, 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"><li>1. <b>John A. Welch</b></li><li>2. <b>Leanna L. Welch</b></li><li>3. <b>Maryellen Welch</b></li><li>4. <b>Rebecca L. Rice</b></li><li>5. <b>Susan M. LaRock</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes an after-the-fact two-lot subdivision and construction of one new single family dwelling in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Schroon, 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 Agency will consider the project in existence when the permit has been recorded.

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 permittees, 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 permittees 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 an 8.9±-acre parcel of land located on Breezy Meadows Way in the Town of Schroon, Essex County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 147.1, Block 1 as Parcels 5.11 and 5.12 and is described in two deeds:

- in a deed from John P. Welch and Maryellen Welch to John A. Welch, Rebecca L. Rice, and Susan M. LaRock, and John P. Welch and Maryellen Welch (life tenants) dated November 27, 2017 and recorded November 27, 2017 in the Essex County Clerk's Office in Book 1896 at Page 26 as Instrument Number 2017-5199 (Parcel 5.11); and
- in a deed from John A. Welch, Rebecca L. Rice, and Susan M. LaRock, and Maryellen Welch (life tenants) to John A. Welch and Leanna L. Welch dated April 29, 2022 and recorded May 6, 2022 in the Essex County Clerk's Office in Book 2082 at Page 84 as Instrument Number 2022-2204 (Parcel 5.12).

The project site is partially located within the designated Schroon River Recreational River Area and contains deciduous forested wetlands associated with Alder Brook and its tributary along the western and southern boundaries of the project site. The wetland has a value rating of "2" pursuant to 9 NYCRR Part 578.5. Additional wetlands not described herein may be located on or adjacent to the project site.

The project site is improved by a pre-existing single family dwelling with on-site water supply and wastewater treatment systems located on Tax Parcel 5.11 and a 200±-square-foot storage shed on Tax Parcel 5.12 .

The 8.9±-acre project site was created as "Lot 1" in a two-lot subdivision previously authorized in Agency Permit 2003-0068.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves an after-the-fact two-lot subdivision of an 8.9±-acre parcel. In 2022, that subdivision created a 3.8±-acre lot (Tax Parcel 5.11) and a 5.1±-acre lot (Tax Parcel 5.12).

Tax Parcels 5.11 and 5.12 each constituted a portion of a larger property on the May 22, 1973 enactment date of the Adirondack Park Land Use and Development Plan, and were created by subdivision from an 8.9±-acre parcel in 2022. As this subdivision involved wetlands and occurred within a designated river area, it appears that an Agency permit was required for its undertaking. Additionally, Condition 7 in Agency Permit 2003-0068 required prior Agency review and approval for further subdivision or new land use and development of the 8.9±-acre parcel. Agency records indicate that no permit was obtained. By issuance of this permit, the Tax Parcels 5.11 and 5.12 shall be recognized as lawfully separate lots for Agency purposes.

The project as conditionally approved herein also involves the construction of one new single-family dwelling with on-site water supply and wastewater treatment systems on Tax Parcel 5.12 (5.1± acres).

The project is shown on:

- A subdivision/site plan map (Site Plan) titled “Welch Two-lot Subdivision Plan,” prepared by Leanna Welch, and dated May 17, 2023;
- A four-page on-site wastewater report (Septic Plan) titled “Septic System Design,” prepared by Joseph M. Moryl, P.E., dated May 9, 2023, and last revised May 25, 2023; and
- Three sheets depicting the floor plan of the proposed dwelling (Floor Plans), with no title or preparer name, received by the Agency on August 1, 2022.

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 subdivision involving wetlands in the Adirondack Park.

Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any subdivision of Low Intensity Use lands located within any designated recreational river area in the Adirondack Park.

Pursuant to Condition 7 in Agency Permit 2003-0068, further subdivision of or new land use and development on the project site requires an Agency Permit.

### **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 permittees, 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, the Site Plan, Septic Plan, and Floor Plans shall be furnished by the permittees to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittees 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 2003-0068 in relation to the 8.9±-acre project site. The terms and conditions of Permit P2003-0068 shall no longer apply the 8.9±-acre 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 2022-0184, issued June 29, 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 an after-the-fact two-lot subdivision as depicted on the Site Plan. Further subdivision of the project site not depicted on the Site Plan shall require a new or amended permit.
7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling, with two attached porches and one attached carport, and one detached garage on Parcel 5.12 in the location and footprint shown and as described on the Site Plan and Floor Plans. The single family dwelling and detached garage shall be no more than 20 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 authorized dwelling and garage shall require prior written Agency authorization.
8. The construction of any additional dwelling or other principal building or accessory structure on the project site, and the undertaking of any new land use and development on the project site, shall require a new or amended permit.
9. Any on-site wastewater treatment system on Parcel 5.12 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 Plan and Septic Plan. Construction of the system shall be supervised by a licensed 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.
10. Prior to any ground disturbance on Parcel 5.12, silt fence shall be properly installed parallel to the existing contours between the proposed development and wetlands and stream (Alder Brook tributary) in a location that maximizes the distance to the wetlands and stream. It shall be embedded into the earth a minimum of 6 inches and shall be a minimum of 100 feet from the wetland and stream, wherever possible. The silt fence shall be maintained throughout construction and shall not be removed until after all disturbed soils are stabilized with vegetation to prevent erosion and sedimentation to wetlands and water resources. The permittees or their successors in interest shall inspect the fabric at least once a week and after every major storm event to ensure the fabric and supports are intact and to remove accumulated sediments so as to maintain the fence in a functional manner.

11. 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.
12. Any new free-standing or building-mounted outdoor lights on Parcels 5.11 and 5.12 shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward adjoining property.
13. On Parcels 5.11 and 5.12 and within 100 feet of the tributary to Alder Brook, no trees greater than 4 inches in diameter at breast height may be cut, culled, trimmed, pruned or otherwise removed or disturbed 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.
14. The undertaking of any activity involving wetlands shall require a new or amended permit.
15. On Parcel 5.11, there shall be no principal buildings other than the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.
16. On Parcel 5.12, there shall be no more than two principal buildings at any time. The single family dwelling authorized herein constitutes a 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, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, 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 Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity 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;
- 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;
- h. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- i. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- j. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

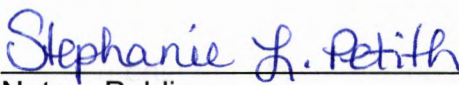
PERMIT issued this 29<sup>th</sup> day  
of June, 2023.

ADIRONDACK PARK AGENCY

BY:   
\_\_\_\_\_  
David J. Plante, AICP CEP  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 29<sup>th</sup> day of June 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

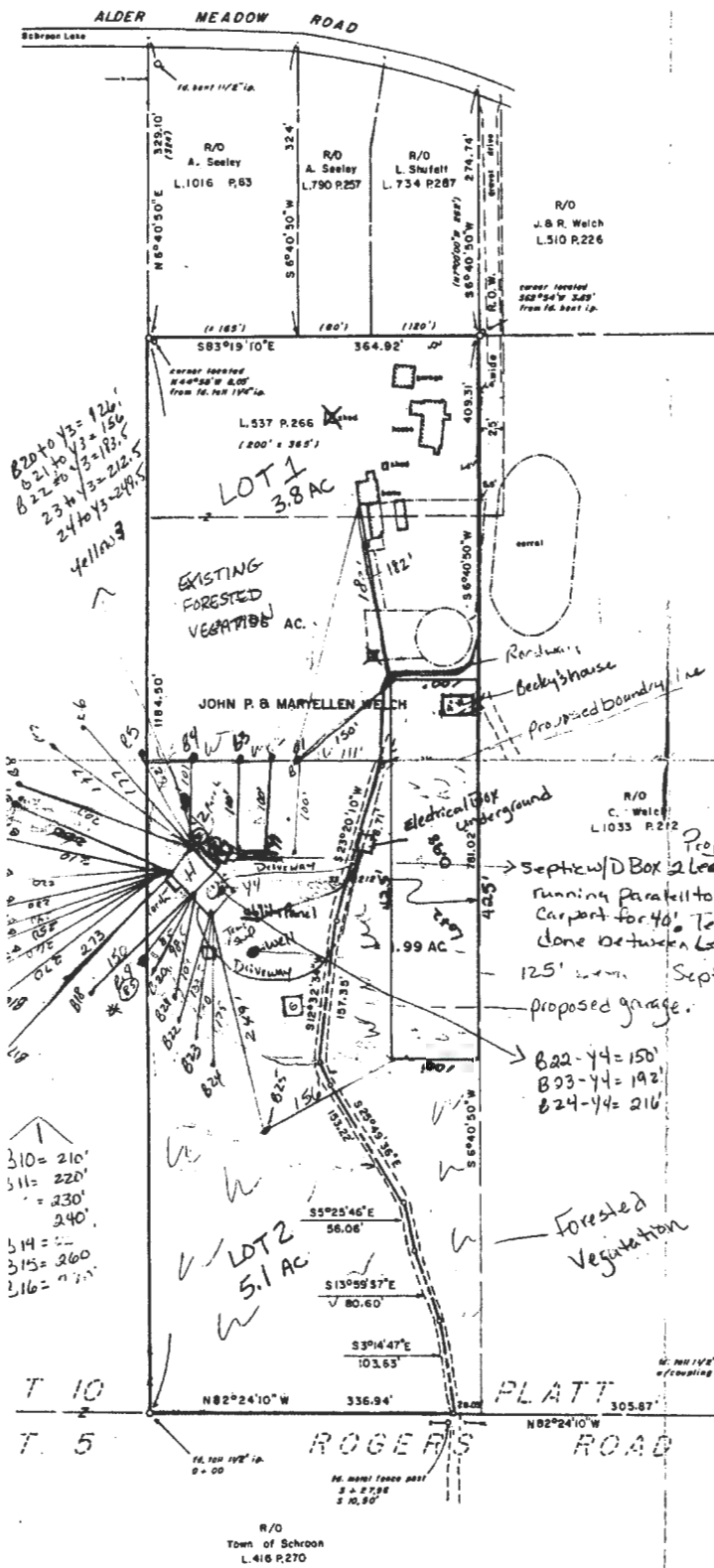
**RECEIVED**  
5-17-23  
ADIRONDACK PARK AGENCY

NEW YORK STATE  
Adirondack  
Park Agency  
**FINAL**  
P2022-0184

Magnetic North 1983 (adjusted to NAD 1983)

**LEGEND**

- ip iron pipe
- R/O reputed owner
- R.O.W. right of way
- utility pole
- fence
- M.R. map reference
- D.R. deed reference
- Z land hook - common owner



**MAP NOTES**

- 1) Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New Education Law.
- 2) Only copies from the original of this survey marked with an original of the surveyor's seal shall be considered to be valid copies.
- 3) Adjoining land owners and boundary detail shown for information only, if not be contiguous.
- 4) Underground improvements or encroachments, i.e. water lines and other lines, sewage systems, etc., if any, are not shown hereon.
- 5) Subject to the findings of an accurate and up to date title search.
- 6) Overhead transmission lines not shown hereon.
- 7) Highway bounds have not been determined by this survey.

**MAP REFERENCES**

- 1) SURVEY OF PROPOSED AIRPORT PROPERTY TO BE PURCHASE TOWN OF SCHROON FROM FLORENCE ROBINSON... by Edward I Nov. 15, 1963
- 2) MAP OF SURVEY PREPARED FOR PETER WOOD... by Martin B. T dated Dec. 30, 1981
- 3) MAP SOUTH PART OF PLATT & ROGERS ROAD PATENT WITH I OF LOTS ADJOINING IN TRACT WEST OF ROAD PATENT & PAR TRACT... dated Mar. 20, 1936

**DEED REFERENCES**

- 1) Peter Welch & Edna Welch  
To  
John P. Welch & Maryellen Welch  
Deed Book 537 page 266  
Dated: Mar. 7, 1973 Recorded: Mar. 10, 1973
- 2) Peter Welch & Edna Welch  
To  
John P. Welch & Maryellen Welch  
Deed Book 1033 page 127  
Dated: Jan. 18, 1993 Recorded: Jan. 21, 1993
- 3) Peter Welch & Edna Welch  
To  
Clarence E. Welch  
Deed Book 1033 page 212  
Dated: Jan 18, 1993 Recorded: Jan. 26, 1993

Handwritten notes:  
820/40/43 = 126'  
821/40/43 = 150'  
822/40/43 = 183'  
234/43 = 212.5'  
244/43 = 249.5'  
yellow 3

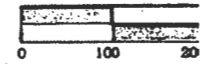
Handwritten notes:  
310 = 210'  
311 = 220'  
312 = 230'  
313 = 240'  
314 = 250'  
315 = 260'  
316 = 270'

Lot 1 - 3.8 acres  
Lot 2 - 5.1 acres

DEED REF.: L.537 P.266, L.1033 & L.1033 P.212 (4<sup>th</sup> & 5<sup>th</sup> except)

LOCATED IN  
LOT 10 PLATT & ROGERS ROAD  
TOWN OF SCHROON, COUNTY C  
STATE OF NEW YORK

SCALE: 1 INCH = 100 FEET



WELCH  
TWO LOT SUBDIVISION  
PLAN  
prepared by Leanna Welch  
5-17-23

SURVEY COMPLETED AUG. 19,  
MAP COMPLETED: SEPT. 26,