


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 2022-0207</p>
<p>In the Matter of the Application of</p> <p>ROBERT G. FRANCISCO Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: January 24, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Robert G. Francisco</p>

This permit supersedes un-recorded Permit 2022-0207, issued by the Agency on January 5, 2022.

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and construction of a single family dwelling in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Johnstown, Fulton County.

This authorization shall expire unless recorded in the Fulton 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, or when the authorized dwelling has been constructed.

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 8.30±-acre parcel of land located on Mountain Lake South Shore Road in the Town of Johnstown, Fulton 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 101, Block 2, Parcel 14.12, and is described in a deed from Maryalice Fish & Elizabeth Fish to Robert G. Francisco, dated January 26, 2022, and recorded February 10, 2022 in the Fulton County Clerk's Office under Instrument Number 2022-72953.

The project site contains wetlands on the eastern side of the parcel associated with the intermittent stream, and is improved by one single family dwelling.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision involving wetlands to create a 5.680±-acre lot improved by an existing single family dwelling and a 2.659±-acre lot for the construction of one single family dwelling, on-site wastewater treatment system and individual water supply.

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

- A one sheet plan titled "Survey & Subdivision Map of Lands of Robert G. Francisco," prepared by Ferguson & Foss Professional Land Surveyors, PC, dated July 11, 2022, and last revised December 2, 2022 (Survey Map);
- A one sheet plan titled "Site Plan," prepared by Quiri Engineering, and dated December 6, 2022 (Lot 2 Site Plan); and
- Five sheets of plans titled "Onsite Wastewater Treatment System Design," prepared by Quiri Engineering, and dated October 19, 2022 (OSWTS Plans).

A reduced-scale copy of the Survey Map and Lot 2 Site Plan for the project are 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 of Low Intensity Use lands 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 Low Intensity Use lands that results in the creation of a non-shoreline lot smaller than 2.75 acres in size 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 Fulton 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 Survey Map and Lot 2 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. 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 2022-0207, issued January 24, 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 two-lot subdivision as depicted on the Survey Map. Any subdivision of the project site not depicted on the Survey Map shall require prior written Agency authorization.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on Lot 2 in the location, footprint, and height shown and as described in the Project Plans. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
7. The construction of any additional dwelling or other principal building on Lot 1 shall require prior written Agency authorization.
8. Construction of any guest cottage on the project site shall require prior written Agency approval.
9. Any on-site wastewater treatment system on Lot 2 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.

10. 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.

11. Any new free-standing or building-mounted outdoor lights on Lot 2 shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Mountain Lake South Shore Road or adjoining property.
12. All exterior building materials, including roof, siding and trim, of the authorized dwelling shall be a dark shade of green, grey, or brown.
13. Outside of the limits of clearing shown on the Project Plans, 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.
14. The undertaking of any activity involving wetlands shall require a new or amended permit.
15. There shall be no more than two principal buildings located on Lot 1 at any time. The single family dwelling constructed on the property in 2022 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
16. There shall be no more than one principal building located on Lot 2 at any time. The single family dwelling authorized herein constitutes a principal building.

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 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; 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;
- 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 24th day
of January, 2023.

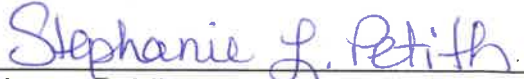
ADIRONDACK PARK AGENCY

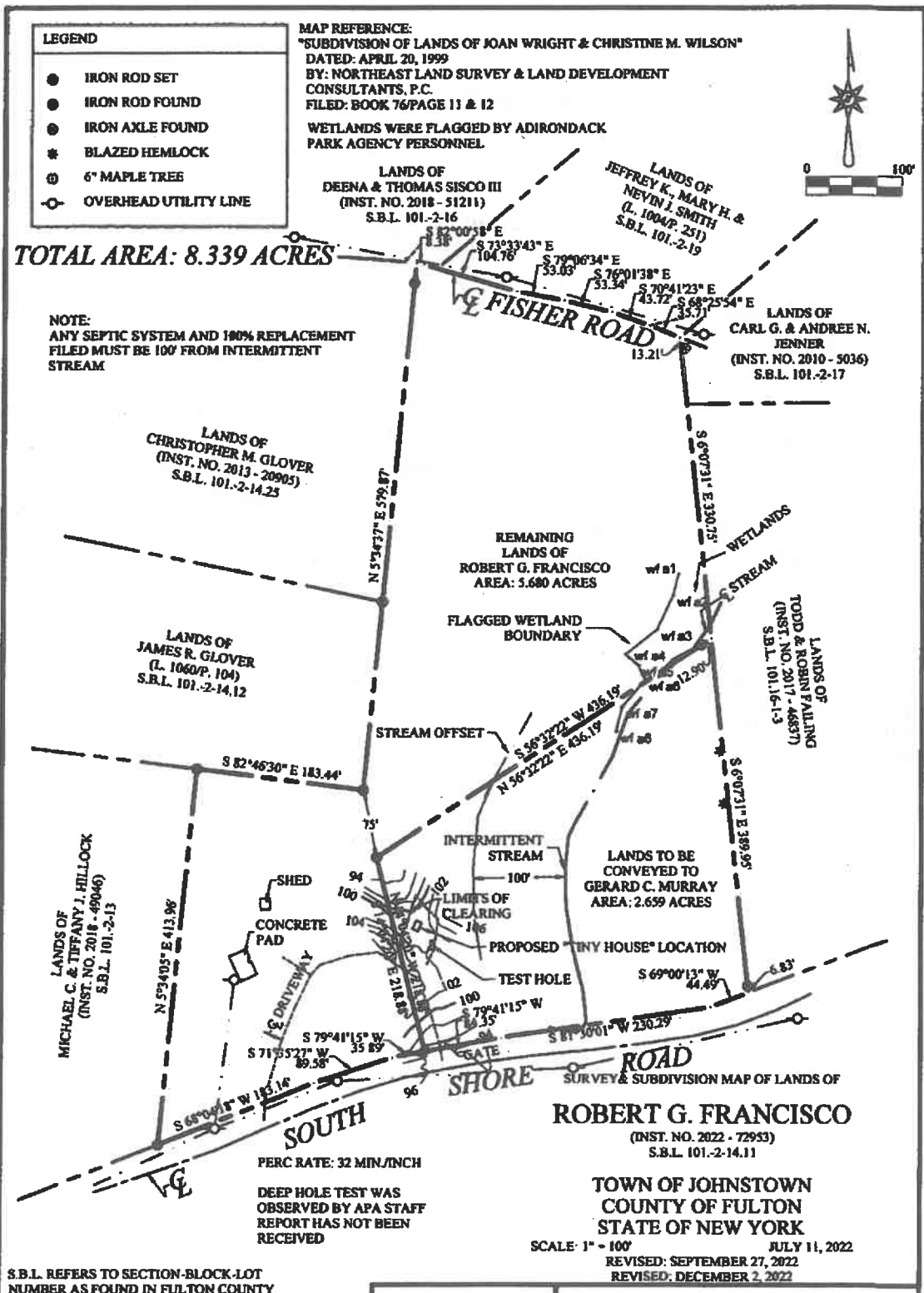
BY: 
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 24th day of January 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



ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES

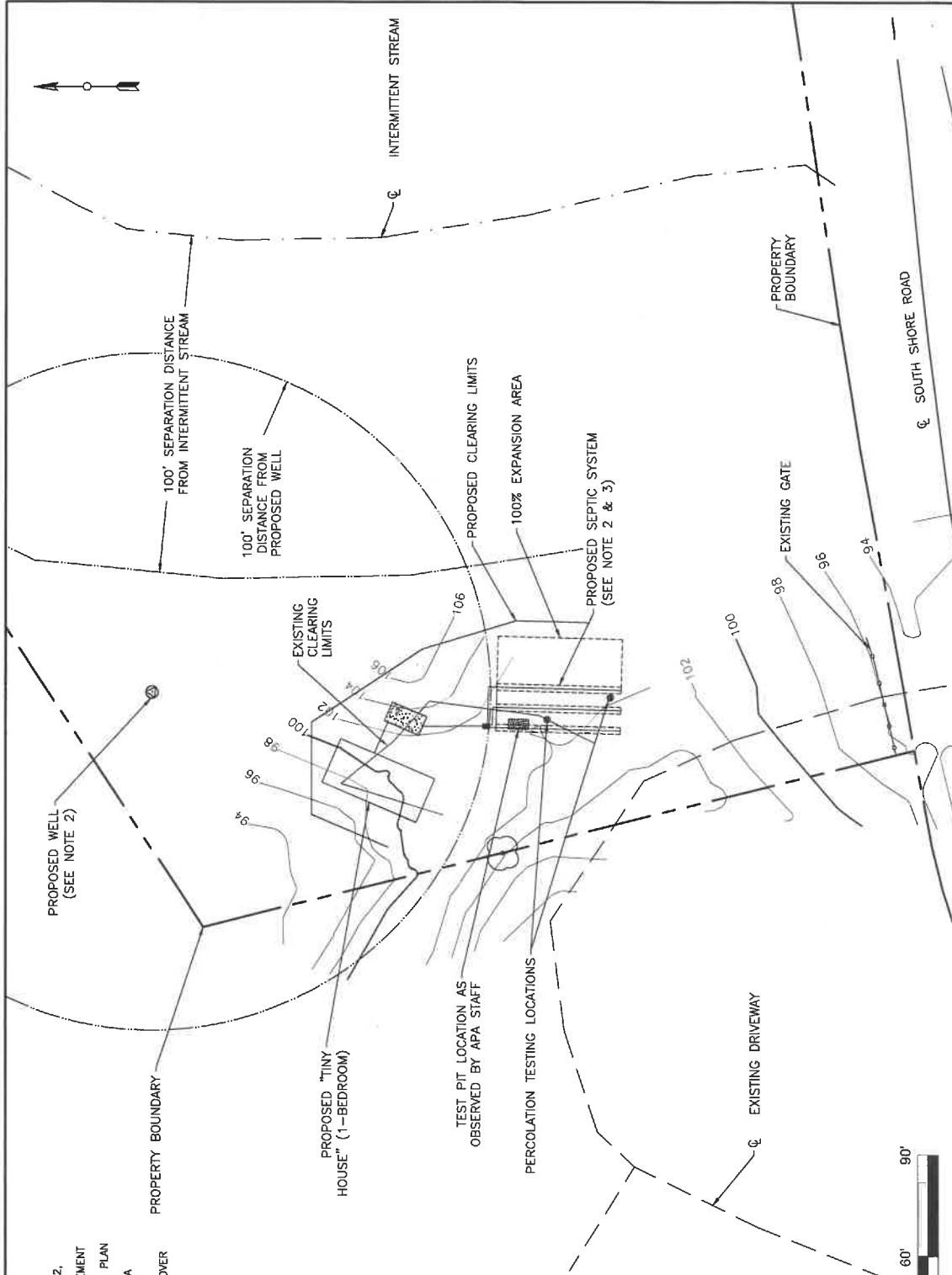
UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209-3 OF THE NEW YORK STATE EDUCATION LAW.

J. CHRISTOPHER FOSS
 P.L.S. #50044

FERGUSON & FOSS
 PROFESSIONAL LAND SURVEYORS, PC
 P.O. BOX 356-JOHNSTOWN, NY 12095 518-763-9997
 EMAIL: chris@fergusonandfoss.com

GENERAL NOTES:

1. ALL SURVEY INFORMATION IS REFERENCED TO DECEMBER 2, 2022.
2. ALL PROPOSED SEPTIC SYSTEM COMPONENTS AND WELL PLACEMENT SHALL CONFORM TO MINIMUM SEPARATION DISTANCES AS SPECIFIED IN TABLE 1 OF THE QUIRI ENGINEERING SEPTIC PLAN DATED OCTOBER 19, 2022.
3. PRIMARY ABSORPTION FIELD AND 100% REPLACEMENT AREA SHALL BE PLACED A MINIMUM OF 100-FT FROM THE INTERMITTENT STREAM.
4. THE ABSORPTION FIELD SHALL NOT BE PERMITTED TO DRIVE OR PARK OVER THE ABSORPTION FIELD.



<p>IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THESE PLANS, SPECIFICATIONS OR REPORTS IN ANY WAY, UNLESS ACTING THROUGH A PROFESSIONAL ARCHITECT, ENGINEER, LANDSCAPE ARCHITECT, SURVEYOR.</p>		<p>CLIENT: GERRY MURRAY ADDRESS: MOUNTAIN LAKE SOUTH SHORE ROAD GLOVERSVILLE, NY 12078</p>	<p>SITE PLAN</p>	<p>GENERAL PLAN</p>
<p>REV</p>	<p>DATE</p>	<p>BY</p>	<p>DESCRIPTION</p>	<p>PROJECT INFO: 22-024_MURRAY</p>
<p>REV</p>	<p>DATE</p>	<p>BY</p>	<p>DESCRIPTION</p>	<p>DATE: DECEMBER 6, 2022</p>
<p>REV</p>	<p>DATE</p>	<p>BY</p>	<p>DESCRIPTION</p>	<p>SCALE: 1" = 30'</p>
<p>REV</p>	<p>DATE</p>	<p>BY</p>	<p>DESCRIPTION</p>	<p>TOWN: JOHNSTOWN COUNTY: FULTON</p>
<p>REV</p>	<p>DATE</p>	<p>BY</p>	<p>DESCRIPTION</p>	<p>DESIGNED BY: DIMQ</p>
<p>REV</p>	<p>DATE</p>	<p>BY</p>	<p>DESCRIPTION</p>	<p>TAX PARCEL: 101-2-14-11</p>
<p>REV</p>	<p>DATE</p>	<p>BY</p>	<p>DESCRIPTION</p>	<p>SHEET NO.: 1 OF 1</p>



PREPARED BY: DANIEL MARK QUIRI P.E.
DATE: DECEMBER 6, 2022