


**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <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><b>APA Permit 2022-0260</b></p>
<p>In the Matter of the Application of</p> <p><b>DIANE SCHENA AND WILLIAM SCHWAB</b> Permittees</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: January 5, 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><b>1. Diane Schena</b></li><li><b>2. William Schwab</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a three-lot subdivision in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Providence, Saratoga County.

This authorization shall expire unless recorded in the Saratoga 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 24.968±-acre parcel of land located on the north side of Drager Road in the Town of Providence, Saratoga 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 133, Block 1, Parcel 15, and is described in a deed from Julianne Maslak and George P. Maslak to Diane Schena and William Schwab, dated October 29, 2002, and recorded October 30, 2002 in the Saratoga County Clerk's Office at Book 1627, Page 739.

The project site is improved by a single family dwelling and associated on-site wastewater treatment system, garage, barn, and multiple horse enclosures.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a three-lot subdivision creating a 19±-acre lot with existing development and two 3±-acre vacant residential building lots.

The project is shown on a map titled "Town of Providence, Saratoga County, SBL 133-1-5, APA Project 2022-01260," prepared by Diane Schena and William Schwab, and dated November 9, 2022 (Site Plan). A reduced-scale copy of the Site Plan is attached as part of this permit for reference.

### **AGENCY JURISDICTION**

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.

### **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 Saratoga 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 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 2022-0260, issued January 5, 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 three-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 and one accessory structure each on Lot 2 and Lot 3 within the limits of clearing shown on the Site Plan.

The single family dwellings and accessory structures 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. The single family dwellings shall be less than 2500 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any accessory structure shall be less than 1000 square feet in footprint, including all attached exterior stairs and other attached structures. Any expansion beyond these dimensions shall require prior written Agency authorization.

7. The construction of any accessory structure on the project site outside the limits of clearing shall require prior written Agency authorization.
8. Construction of any guest cottage on the project site shall require prior written Agency approval.
9. Prior to construction of any on-site wastewater treatment system(s) on Lots 2 and 3, written authorization shall be obtained from the Agency for plans prepared by a New York State design professional (licensed engineer or registered architect) that comply with the Agency's Project Guidelines for Residential On-Site Wastewater Treatment, and with Agency standards in 9 NYCRR Appendix Q-4.

Installation of the approved plans shall be under the supervision of a licensed design professional. Within 30 days of complete system installation and prior to utilization, the design professional shall provide the Agency with written certification that the system was installed in compliance with the Agency authorized plan set.

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 the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or adjoining property.
12. 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.
13. Outside the limits of clearing depicted on the Site Plan no trees, shrubs or other woody-stemmed vegetation may be cut, or otherwise removed on the project site without prior written Agency authorization, except for a) removal of trees for firewood for use on-site and b) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
14. There shall be no more than one principal building located on Lot 1 at any time. The single family dwelling constructed on the property in 2004 constitutes a principal building.
15. There shall be no more than one principal building located on each of Lot 2 and Lot 3 at any time. The single family dwellings authorized herein each constitute 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 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; 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 5<sup>th</sup> day  
of January, 2023.

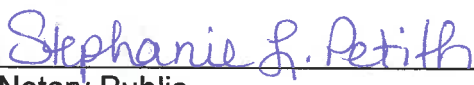
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 5<sup>th</sup> 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

1h7S

Town of Providence  
Saratoga County

SBL 133-1-15

APA Project 2022-0260

DATE: 11/9/22

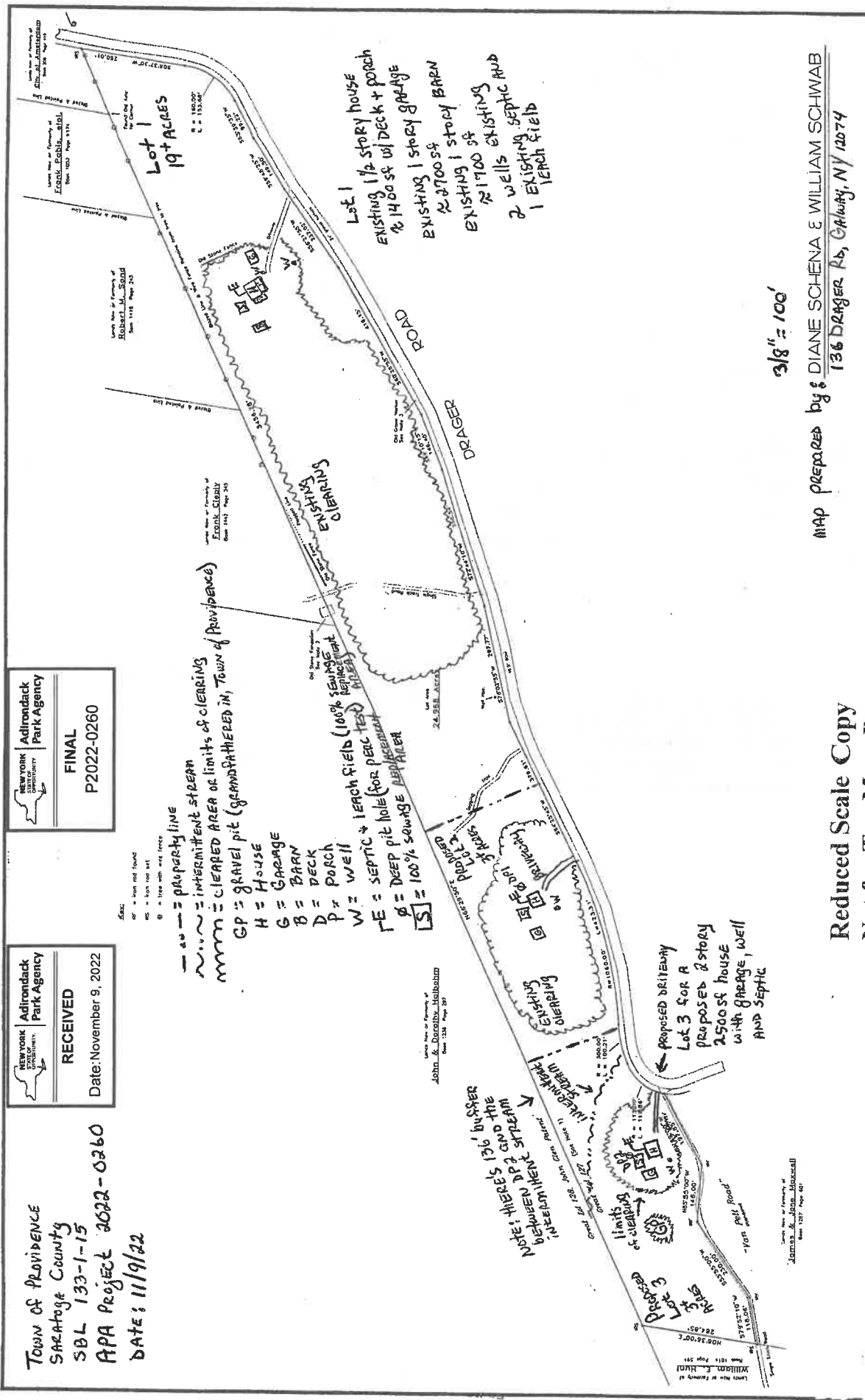
NEW YORK COUNTY OFFICIAL  
Adirondack Park Agency  
RECEIVED  
Date: November 9, 2022

NEW YORK COUNTY OFFICIAL  
Adirondack Park Agency  
FINAL  
P2022-0260

Scale:  
1" = 100' and found  
1" = 100' and 1/2"  
1" = 100' with wire fence

--- = PROPERTY LINE  
--- = INTERMITTENT STREAM  
--- = CLEARED AREA OR LIMITS OF CLEARINGS  
--- = GRAVEL PIT (GRANDATHERED IN, TOWN OF PROVIDENCE)  
H = HOUSE  
G = GARAGE  
B = BARN  
D = DECK  
P = PORCH  
W = WELL  
T = SEPTIC & LEACH FIELDS (100% SEWAGE EFFICIENT)  
S = DEEP PIT HOLE (FOR PERC TEST)  
S = 100% SEWAGE EFFICIENT

Lot 1  
EXISTING 1 1/2 STORY HOUSE  
EXISTING 1400 SF W/ DECK + PORCH  
EXISTING 1 STORY GARAGE  
EXISTING 1 STORY BARN  
EXISTING 1 STORY  
EXISTING 1700 SF  
2 WELLS EXISTING  
1 EXISTING SEPTIC AND  
1 LEACH FIELD



3/8" = 100'

MAP PREPARED BY: DIANE SCHENA & WILLIAM SCHWAB  
136 DARGER RD, GALWAY, NY 12074

Reduced Scale Copy  
Not for Tax Map Purposes