


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 2022-0272</p>
<p>In the Matter of the Application of AIKEN IRREVOCABLE TRUST, MICHAEL G. SWINDELL, KATHLEEN A. SWINDELL, CELENE A. OLSEN AND GEORGE OLSEN Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: July 6, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Aiken Irrevocable Trust 2. Michael G. Swindell 3. Kathleen A. Swindell 4. Celene A. Olsen 5. George Olsen</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a four-lot subdivision in areas classified Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Chester, Warren County.

This authorization shall expire unless recorded in the Warren 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 31± acres of land located on NYS Route 8 in the Town of Chester, Warren County, in an area classified Low Intensity Use and Rural Use areas on the Adirondack Park Land Use and Development Plan Map. The project site is comprised of:

- 17± acres identified as Tax Map Section 103, Block 1, Parcel 11.6 (Parcel 11.6), described in a deed from William Aiken and Ruth M. Aiken to W. & R. Aiken Irrevocable Trust, dated March 7, 2000, and recorded in the Warren County Clerk's Office under Book 1162, Page 128; and
- 14± acres identified as Tax Map Section 103, Block 1, Parcel 13.1 (Parcel 13.1) described in a deed from Andrew M. Aiken, Kathleen A. Swindell and Celine A. Olsen to Michael Swindell, Kathleen A. Swindell, Celine A. Olsen and George Olsen, dated March 15, 2021, and recorded in the Warren County Clerk's Office under Book 6325, Page 40.

Parcel 13.1 is vacant. Parcel 11.6 is improved by a pre-existing single family dwelling and a single family dwelling constructed in approximately 1987.

The project site contains wetlands. Additional wetlands not described herein or depicted on the Subdivision Plans may be located on or adjacent to the project site.

The project site was authorized as "Lot 6" in a six-lot subdivision by Agency Permit 2009-0258.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a four-lot subdivision of the project site to create:

- a vacant 3.9 acre lot (Lot 6);
- an 8.4 acre lot (Lot 7) improved by the single family dwelling constructed in 1987;
- a 2.1 acre lot (Lot 8) improved by the pre-existing single family dwelling; and
- a vacant 3.9 acre lot (Lot 9).

The project is shown on the following maps, plans, and reports: "Proposed Subdivision Modification," in three sheets prepared by Van Dusen & Steves Lans Surveyors and Hutchins Engineering, PLLC, received by the Agency on June 20, 2023 (Subdivision Plans). A reduced-scale copy of Sheet 1 of the Subdivision Plans for the project 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.

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 Warren 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 the Subdivision 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 Agency Permit 2009-0258 in relation to the project site. The terms and conditions of Agency Permit 2009-0258 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 2022-0272, issued July 6, 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 four-lot subdivision as depicted on the Subdivision Plans. Any subdivision of the project site not depicted on the Subdivision Plans shall require a prior written Agency authorization.
7. Any deed of conveyance for Lot 9 shall contain an easement providing ingress and egress to Lot 6 over the "Dirt Road" as depicted and described on the Subdivision Plans.
8. Any deed of conveyance for Lot 7 and/or Lot 8 shall contain an easement providing ingress and egress to Lot 6 and Lot 9 as depicted on the Subdivision Plans.
9. The Low Intensity Use portion of Lot 6 shall not be conveyed separately from the Rural Use portion of Lot 6.
10. The construction of any additional dwelling or other principal building on the project site shall require prior written Agency authorization. The construction of any new accessory structure on Lot 6 or Lot 9 shall require prior written Agency authorization.

11. Within 50 feet of wetlands on the project site; and within 125 feet of the centerline of NYS Route 8 on Lot 7 or Lot 8; no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed without prior written Agency authorization, except for maintenance of existing cleared areas and for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
12. The undertaking of any activity involving wetlands shall require a new or amended permit.

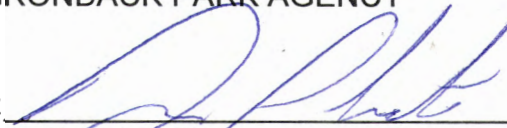
CONCLUSIONS OF LAW

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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Chester;
- b. 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;
- c. 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
- d. 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 6th day
of July, 2023.

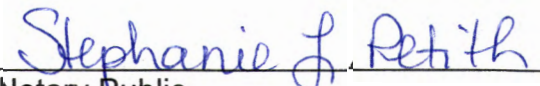
ADIRONDACK PARK AGENCY

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

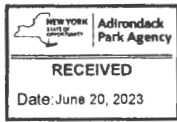
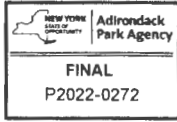
STATE OF NEW YORK
COUNTY OF ESSEX

On the 6th day of July 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.

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


Notary Public

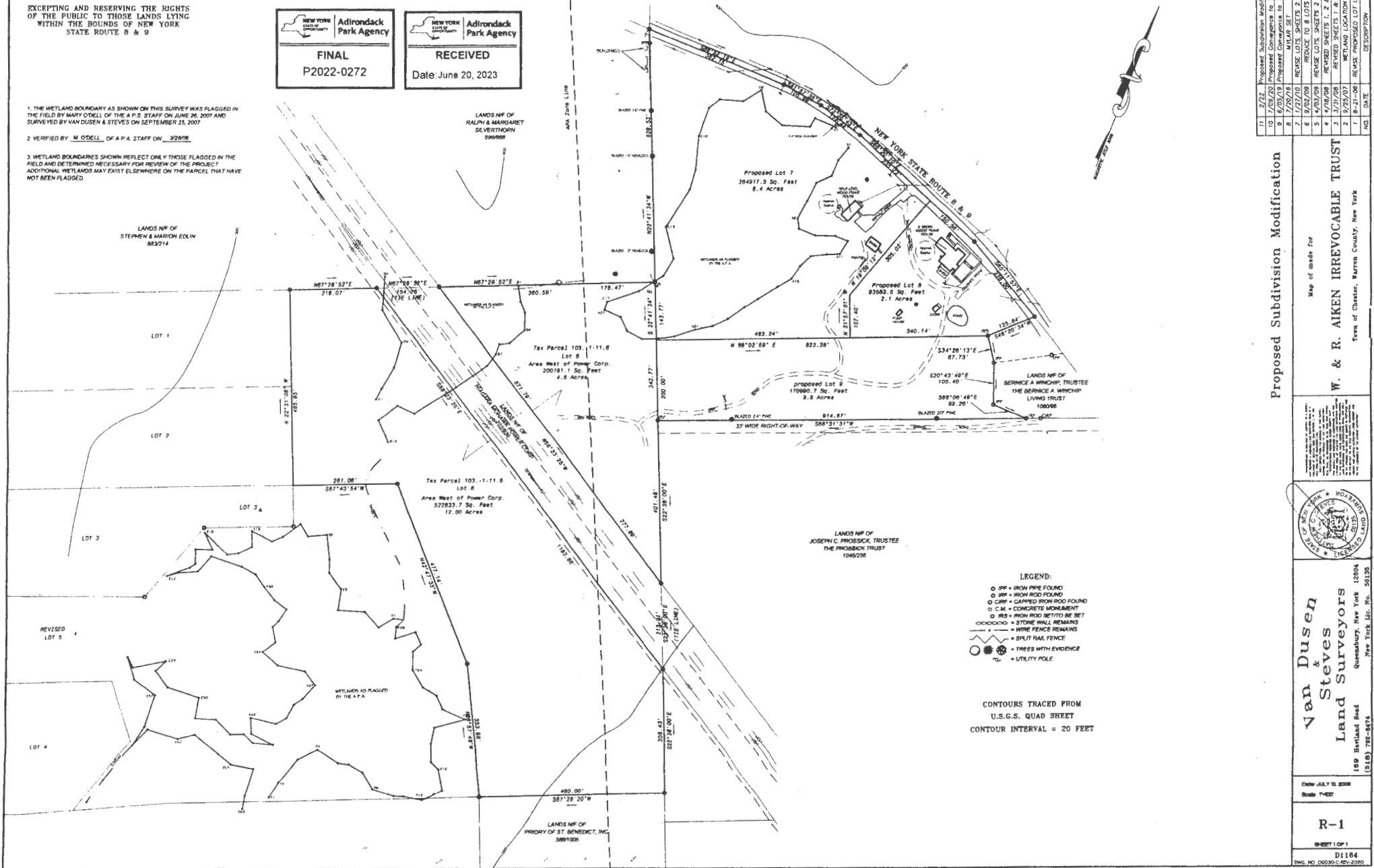
EXCEPTING AND RESERVING THE RIGHTS OF THE PUBLIC TO THOSE LANDS LYING WITHIN THE BOUNDS OF NEW YORK STATE ROUTE 8 & 9



1. THE WETLAND BOUNDARY AS SHOWN ON THIS SURVEY WAS FLAGGED IN THE FIELD BY MARY ODELL OF THE P.S. STAFF ON JUNE 26, 2007 AND SURVEYED BY VAN DUSEN & STEVES ON SEPTEMBER 25, 2007

2. VERIFIED BY M. ODELL OF P.A. STAFF ON 3/28/08

3. WETLAND BOUNDARIES SHOWN REFLECT ONLY THOSE FLAGGED IN THE FIELD AND DETERMINED NECESSARY FOR REVIEW OF THE PROJECT. ADDITIONAL WETLANDS MAY EXIST ELSEWHERE ON THE PARCEL THAT HAVE NOT BEEN FLAGGED



- LEGEND:
- IPF = IRON PIPE FOUND
 - IRP = IRON ROD FOUND
 - CRP = CAPPED IRON ROD FOUND
 - CM = CONCRETE MONUMENT
 - RB = IRON ROD BEING SET
 - SW = STONE WALL REMAINS
 - WF = WIRE FENCE REMAINS
 - SF = SPLIT RAIL FENCE
 - T = TREES WITH EVIDENCE
 - U = UTILITY POLE

CONTOURS TRACED FROM U.S.G.S. QUAD SHEET
CONTOUR INTERVAL = 20 FEET

NO.	DATE	DESCRIPTION
1	8-21-09	RELEASE PROPOSED LOT LINES
2	9/25/07	WETLAND LOCATION
3	3/21/08	REVISED SHEETS 1, & 2
4	4/10/08	REVISED SHEETS 2, & 3
5	6/26/08	REVISED SHEETS 1, & 2
6	9/25/08	REVISED TO 8 LOTS
7	1/27/10	REVISED SHEETS 2, & 3
8	7/29/15	M.Y.A.R. SET
9	6/25/19	Proposed Compliance to Title
10	7/29/20	Proposed Compliance to Title
11	7/22	Proposed Subdivision Modification

Proposed Subdivision Modification

Map of title for
W. & R. AIKEN IRREVOCABLE TRUST
Town of Chester, Warren County, New York



Van Dusen & Steves
Land Surveyors
169 Hartland Road
Queensbury, New York 12804
(518) 788-8474
New York Lic. No. 52135

Date: JULY 9, 2009
Scale: 1"=40'
R-1
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DWG. NO. 02030-C-02-2009