


THIS IS A TWO-SIDED DOCUMENT

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|  <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 2022-0275</p> |
| <p>In the Matter of the Application of</p> <p>EDWARD M. PALEN Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p> | <p>Date Issued: January 4, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Edward M. Palen</p> |

SUMMARY AND AUTHORIZATION

This permit authorizes the construction of a parking area in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Keene, 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 the parking lot 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 24.01±-acre parcel of land located on the south side of Alstead Hill Road in the Town of Keene, 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 44.3, Block 1, Parcel 1.120, and is described in a deed from Mary Ann Tagliarino to Edward M. Palen, dated December 24, 2002, and recorded January 3, 2003 in the Essex County Clerk's Office at Book 1347, Page 0217.

The project site is partially located within one-eighth mile of the Sentinel Range Wilderness.

The project site is improved by a commercial use (i.e., lodging and guide service), associated structures and facilities as authorized in Permits 88-216, 90-39, and 92-29.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of an approximately 66-foot-wide by 71-foot-long, 16-space gravel parking area towards the east side of the project site, on the south side of Alstead Hill Road. The parking area will be used by the public to access the nearby Jackrabbit Trail

The project is shown on the following maps, plans, and reports: "Town of Keene Trailhead Parking Lot," prepared by AES Northeast, and dated August 2, 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 new land use and development on Rural Use lands in the Adirondack Park within one-eighth mile of forest preserve land or water classified as wilderness 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 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, for as long as the parking area remains on the site. 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 conditions in Permits 88-216, 90-39, and 92-29 remain in full force and effect.
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 88-216, issued November 28, 1988, Adirondack Park Agency Permit 90-39, issued May 3, 1990, Adirondack Park Agency Permit 92-29, issued June 5, 1992, and Adirondack Park Agency Permit 2022-0275, issued January 4, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes the construction of a parking area in the location shown and as depicted on the Site Plan. Any change to the location, dimensions, or other aspect of the parking area shall require a new or amended permit.
7. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act the undertaking of any new land use or development not authorized herein within one-eighth mile of the Sentinel Range Wilderness will require a new or amended permit. The undertaking of any activity involving wetlands also requires a new or amended permit.
8. 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.
9. All signs associated with the parking area on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
10. Within 100 feet of the limits of clearing shown on the Site Plan, 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 a) the removal of vegetation necessary for the construction of a trail designed for public non-motorized recreational use from the parking area to the adjacent Wilderness area, and b) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

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 project 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 4th 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 4th 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

TRAILHEAD PARKING LOT

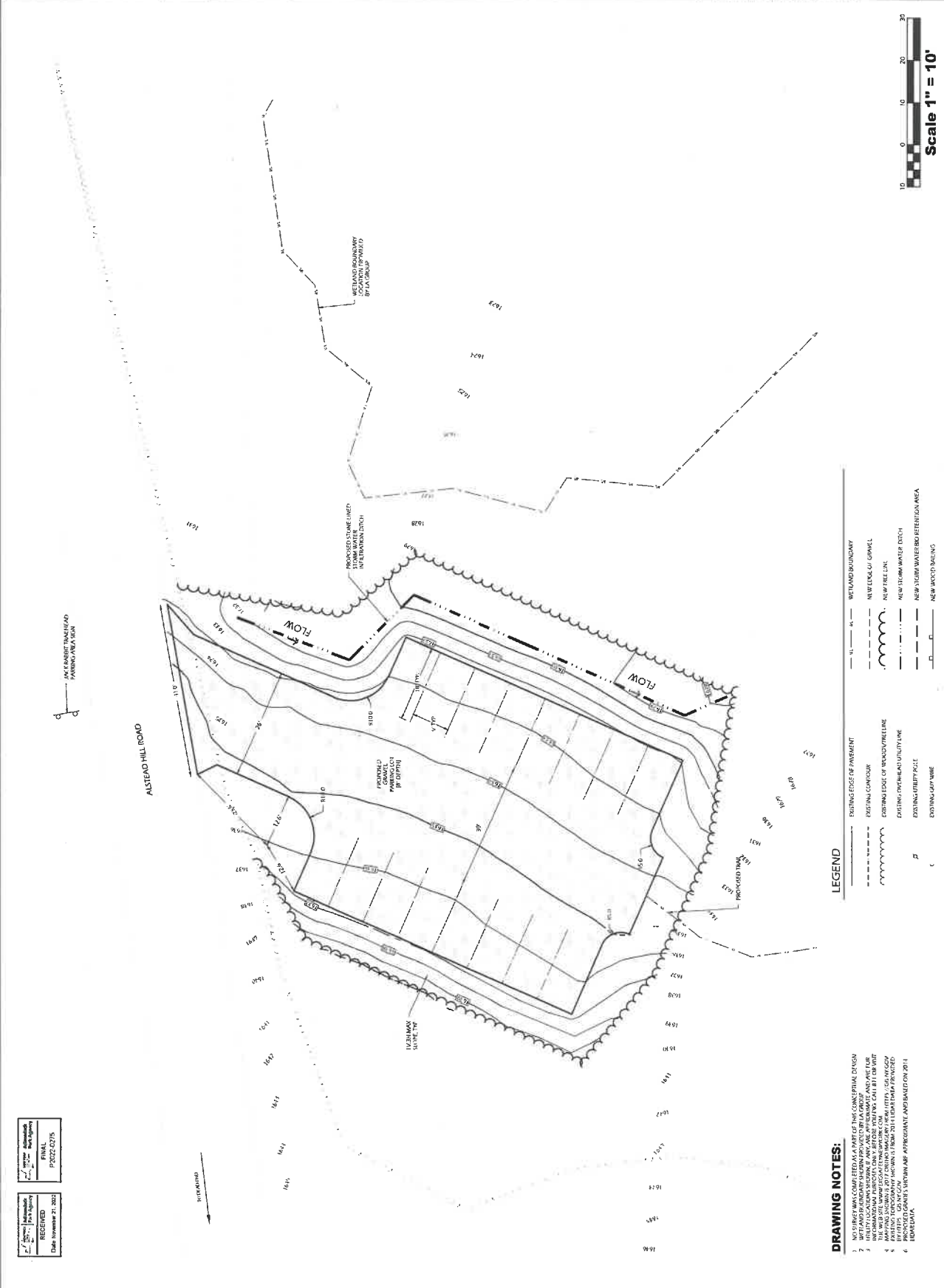
TOWN OF KEENE
615 ALSTEAD HILL ROAD
KEENE, NEW YORK 12942

| NO. | DESCRIPTION | DATE |
|-----|-------------------|------------|
| 1 | ISSUED FOR PERMIT | 11/21/2022 |

SITE PLAN

SHEET NO. **C-101**

Scale 1" = 10'



RECEIVED
Date November 21, 2022

FINAL
PROJECT 0275

DRAWING NOTES:

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET.
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