


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>2022-0279</b></p>
<p>In the Matter of the Application of</p> <p><b>MARIA H. McDONOUGH AND DANIEL E. McDONOUGH</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: January 17, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Maria H. McDonough 2. Daniel E. McDonough</b></p>

**SUMMARY AND AUTHORIZATION**

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

This authorization shall expire unless recorded in the Franklin 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 10.87 acres located on NYS Route 458 in the Town of Waverly, Franklin County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is comprised of Tax Map Section 239, Block 1, Parcels 16.4 & 16.6.

Parcel 16.4 is a 1±-acre parcel and is described in a deed from County of Franklin to Daniel E. McDonough and Maria McDonough, dated November 17, 2011, and recorded December 2, 2011 in the Franklin County Clerk's Office under Instrument Number 2011-6190.

Parcel 16.6 is a 9.87±-acre parcel and is described in a deed from Harold J. Fraser to Daniel E. McDonough and Maria H. McDonough, dated July 24, 2020, and recorded July 31, 2020 in the Franklin County Clerk's Office under Instrument Number 2020-3041.

Parcel 16.4 is improved by a single-family dwelling.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of Parcel 16.6 to create a 0.49±-acre parcel (Lot .49) and a 9.38±-acre parcel. The 9.38±-acre parcel will be merged with Parcel 16.4 to create a 10.38±-acre parcel improved by a single-family dwelling (Lot 10.38).

The project is shown on the following map entitled "Map of Survey Prepared for Daniel E. & Maria H. McDonough," prepared by Brad Marsh, and dated November 24, 2023 (Site Plan). A reduced-scale copy of the Site Plan 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, 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.

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 within 150 feet of the edge of the right-of-way of any state highway 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 Franklin 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 2022-0279, issued January 17, 2024, 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 Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require prior written Agency authorization.
6. Within 30 days of conveyance of Lot .49, a new deed shall be filed in the Franklin County Clerk's office describing the 9.38±-acre parcel and Parcel 16.4 as a single, un-divided lot. Any future subdivision of this un-divided lot shall require a new or amended permit.
7. The undertaking of any new land use or development on Lot .49 shall require a new or amended permit.
8. The undertaking of any activity involving wetlands shall also require a new or amended permit.
9. There shall be no more than one principal building located on Lot .49. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
10. There shall be no more than one principal building located on Lot 10.38. The existing single family dwelling 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 and 9 NYCRR Part 574. The Agency hereby finds that the subdivision/single family dwelling 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 17<sup>th</sup> day of January, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 17<sup>th</sup> day of January in the year 2024, 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. Pith  
Notary Public

**NOTES**

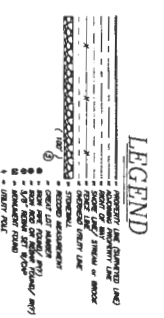
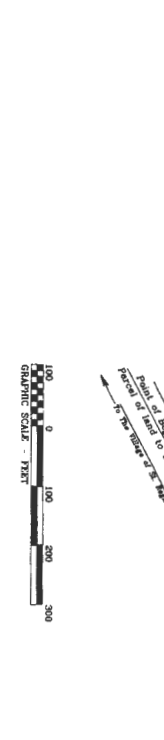
1) The map shows the location of the parcels and the location of the parcels to be surveyed. The parcels are shown by dashed lines and the parcels to be surveyed are shown by solid lines. The parcels are shown by dashed lines and the parcels to be surveyed are shown by solid lines.

2) The parcels shown on this map are shown by dashed lines and the parcels to be surveyed are shown by solid lines. The parcels are shown by dashed lines and the parcels to be surveyed are shown by solid lines.

3) The parcels shown on this map are shown by dashed lines and the parcels to be surveyed are shown by solid lines. The parcels are shown by dashed lines and the parcels to be surveyed are shown by solid lines.

**DEED REFERENCE**

Daniel E. & Maria H. McDonough  
 Inst. # 2011 - 6190  
 Inst. # 2020 - 3041  
 10.38 acres  
 To Be Released



**LEGEND**

PROPERTY LINE (DOTTED LINE)  
 PROPERTY LINE (SOLID LINE)  
 PROPERTY LINE (DASHED LINE)  
 PROPERTY LINE (DOTTED LINE)  
 PROPERTY LINE (SOLID LINE)  
 PROPERTY LINE (DASHED LINE)  
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 PROPERTY LINE (SOLID LINE)  
 PROPERTY LINE (DASHED LINE)  
 PROPERTY LINE (DOTTED LINE)  
 PROPERTY LINE (SOLID LINE)  
 PROPERTY LINE (DASHED LINE)



**AREA**

10.38 acres  
 To Be Released  
 To Be Released

**REVISIONS**

DATE BY  
 11/24/2023 BRAD  
 11/24/2023 MARSH

**MAP OF SURVEY**  
 PREPARED FOR  
**DANIEL E. & MARIA H. McDONOUGH**  
 SITUATE IN  
 GREAT LOTS 11 & 18 ~ TOWNSHIP 10 ~ GREAT TRACT ONE  
 MACOMB'S PURCHASE ~ TOWN OF WAVERLY  
 COUNTY OF FRANKLIN ~ STATE OF NEW YORK

**B L M LAND SURVEYING PLS**

BRADFORD I. MARSH, I.S.  
 N.Y.S. LIC. NO. 050489  
 DICKINSON CENTER, NY 12890  
 627 STATE ROUTE 118  
 (518) 529-8548

RECEIVED  
 "DUNLACK PARK AGEM"  
 DEC 11 2023

