


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>APA Permit <b>2022-0285</b></p>
<p>In the Matter of the Application of</p> <p><b>NICHOLAS D'AMBROSO, E. RICHARD MILDE JR., JAMES T. MILDE, AND DENISE C. MILDE</b> <b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 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:</p> <ol style="list-style-type: none"><li><b>1. Nicholas D'Ambroso</b></li><li><b>2. E. Richard Milde Jr.</b></li><li><b>3. James T. Milde</b></li><li><b>4. Denise C. Milde</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Indian Lake, Hamilton County.

This authorization shall expire unless recorded in the Hamilton 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 this permit has been recorded.

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 48±-acre parcel of land located on Chamberlain Road in the Town of Indian Lake, Hamilton 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 65.012, Block 1, Parcel 17, and is described in the following deeds:

- A deed from Deborah Ann D'Ambroso Vezetti to Nicholas D'Ambroso, dated July 19, 2013, and recorded September 27, 2013 in the Hamilton County Clerk's Office under Instrument Number 2013-3002; and
- A deed from James T. Milde as Administrator C.T.A of the Estate of Ernest R. Milde to James T. Milde, Denise C. Milde, and E. Richard Milde Jr., dated August 21, 1992, and recorded October 23, 1992 in the Hamilton County Clerk's Office at Book 205 Page 705.

The project site contains wetlands associated with Beaver Meadow Brook that extend throughout the project site to the north. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision involving wetlands to create a 20±-acre lot (Lot 1) and a 28±-acre lot (Lot 2). No new development is proposed or authorized herein.

The project is shown on a one-sheet plan, untitled and signed by Nicholas D'Ambroso on December 26, 2022, and signed by E. Richard Milde on December 29, 2022 (Site Plan).

A reduced-scale copy of the Site Plan 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 Hamilton 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 2022-0285, 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 Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require prior written Agency authorization.
6. The construction of any dwelling or other principal building on the project site, shall require prior written Agency authorization.
7. Prior to construction of any on-site wastewater treatment systems on the project site 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 New York State Department of Health's "Wastewater Treatment Standards for Individual Household Systems" (10 NYCRR Appendix 75 A) 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.

8. The undertaking of any activity involving wetlands shall require a new or amended permit. There shall be no soil disturbance or vegetation removal within 100 feet of wetland boundaries without prior written Agency authorization.

### **CONCLUSIONS OF LAW**


The Agency has considered all statutory and regulatory criteria for project approval set forth in the 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 Indian Lake;
- 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 24<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 24<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.

  
Notary Public

Stephanie L. Petith  
Notary Public, State of New York  
Reg. No. 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15, 2026

NEW YORK STATE OF OPPORTUNITY | Adirondack Park Agency

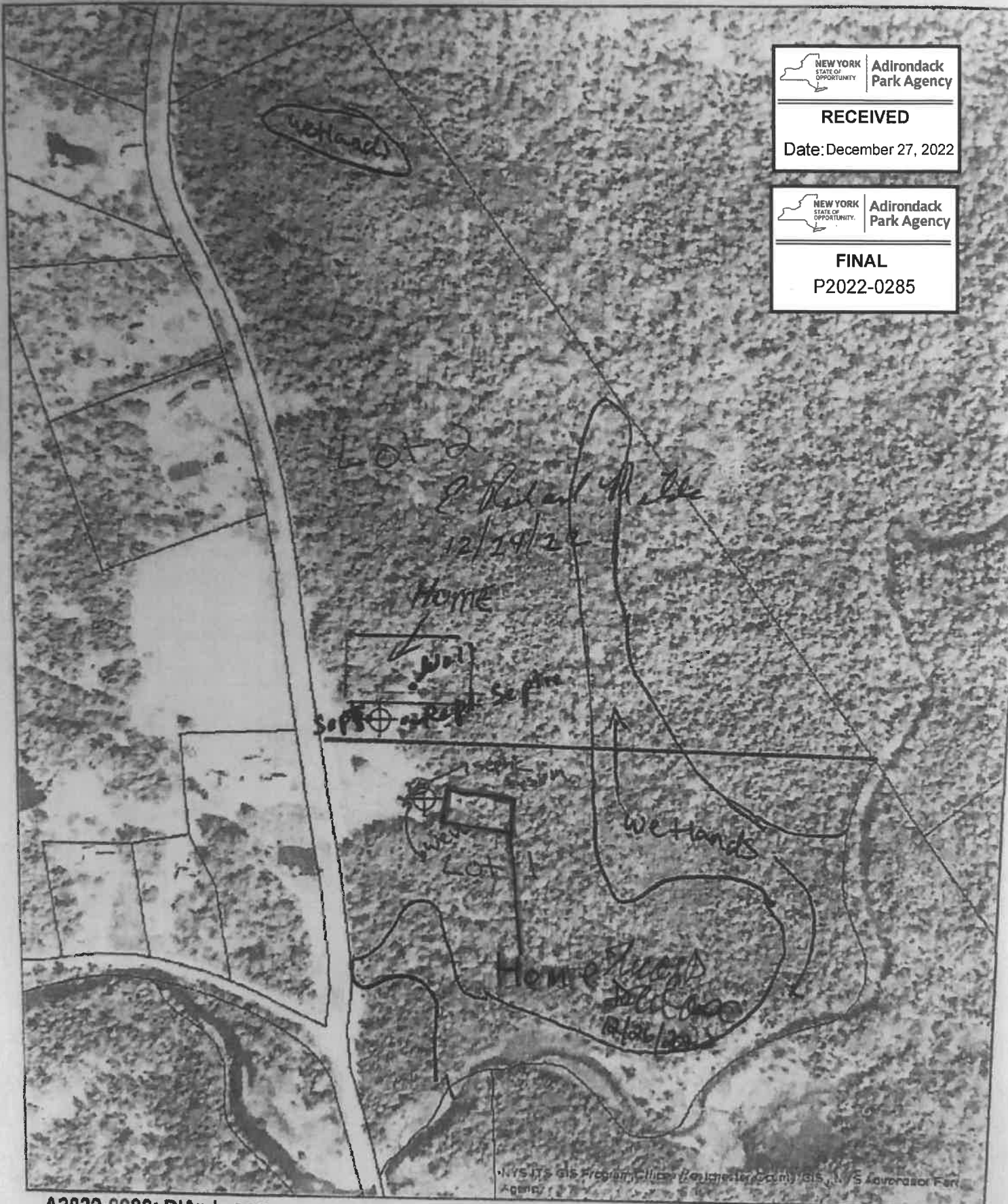
**RECEIVED**

Date: December 27, 2022

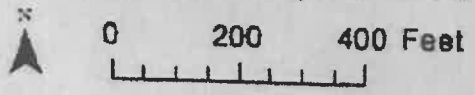
NEW YORK STATE OF OPPORTUNITY | Adirondack Park Agency

**FINAL**

P2022-0285



A2022-0088; D'Ambrosio  
Town of Indian Lake, Hamilton County



Location data collected with recreational GPS and is for reference only. Map should not be used for property line or jurisdictional determinations. Contact the Agency at 518-891-4050.

**Adirondack Park Agency**

Prepared by A. Ziemann  
Date: 10/17/2022

