


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 2022-0292</p>
<p>In the Matter of the Application of</p> <p>TIMOTHY JON FORTUNE and DIANA MASON FORTUNE Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577 and 9 NYCRR Part 578</p>	<p>Date Issued: August 30, 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">1. Timothy Jon Fortune2. Diana Mason Fortune

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 St. Armand, 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 Essex 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 34.9±-acre portion of a 37.9±-acre parcel of land located on River Road in the Town of St. Armand, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as the Rural Use portion of Tax Map Section 13.4, Block 1, Parcel 61.100, and is described in a deed from Andrew J. Fortune and Alvera M. Fortune to Timothy Jon Fortune and Diana Mason Fortune, dated October 29, 1986, and recorded November 3, 1986 in the Essex County Clerk's Office at Book 869, Page 59.

The project site is located within the designated Saranac River Recreational River area. The project site also contains wetlands associated with Cold Brook. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site is improved by one single family dwelling constructed in 1875.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the Rural Use portion of tax map parcel 13.4-1-61.100 to create a 27.8±-acre lot with existing development and a 7.1±-acre vacant building lot. No new development is proposed.

The project is shown on a one-sheet plan titled "Map Of Survey Prepared For Michael D. Scott," prepared by Geomatics Land Surveying, PC, and dated August 4, 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 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.

Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any subdivision of Rural Use lands located within any designated recreational river area 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 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 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. 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, Wild, Scenic and Recreational Rivers System 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 2022-0292 issued August 30, 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 a new or amended permit.
6. The undertaking of any new land use or development on the project site within one-quarter mile of the Saranac River shall require a new or amended permit.
7. Prior to construction of any on-site wastewater treatment system(s) 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.

9. There shall be no more than one principal building located on the 7.1±-acre parcel. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
10. There shall be no more than three principal buildings located on the 27.8±-acre parcel in addition to the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

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, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, 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;
- 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;
- f. 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;
- g. 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;
- h. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- i. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- j. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

PERMIT issued this ^{30th} day
of August, 2023.

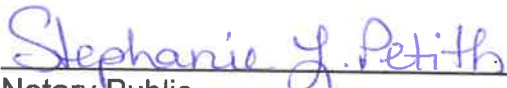
ADIRONDACK PARK AGENCY

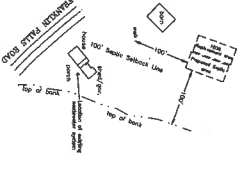
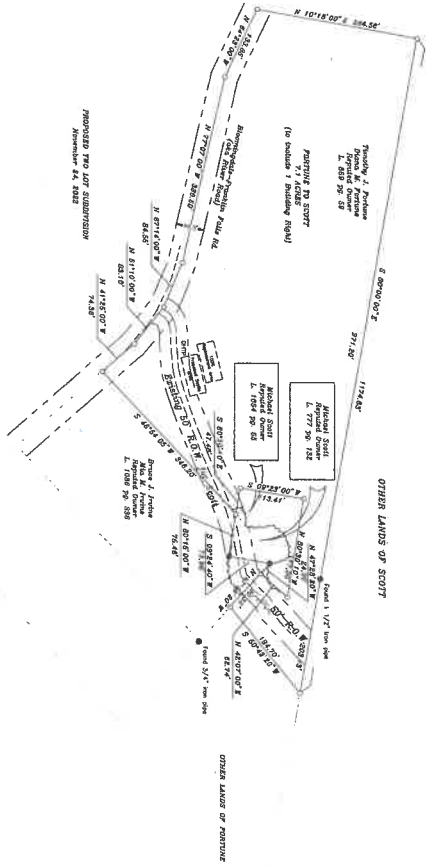
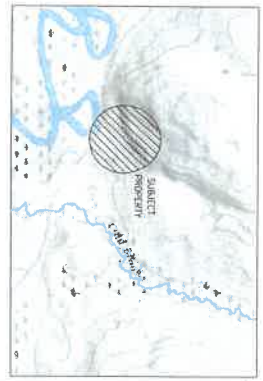
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the ^{30th} day of August 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



NOTES

- The survey was prepared under the belief of an honest and correct statement of the facts as furnished to the surveyor by the owner of the land.
- The survey was prepared by the use of the best methods and instruments available at the time of the survey.
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ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH THIS SURVEYOR'S SIGNATURE AND SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

MAP REFERENCES

1. 2008 Survey of the Town of Saranac Lake, Essex County, New York, prepared by the Surveyor of the Town of Saranac Lake, dated 12/15/08.
2. 2008 Survey of the Town of Saranac Lake, Essex County, New York, prepared by the Surveyor of the Town of Saranac Lake, dated 12/15/08.
3. 2008 Survey of the Town of Saranac Lake, Essex County, New York, prepared by the Surveyor of the Town of Saranac Lake, dated 12/15/08.

RECEIVED
Date: March 8, 2023
Final
P2022-0292

REVISIONS / DATE / BY	
COPYRIGHT	2023
CHECKED BY	SLA
DRAWN BY	NLM
DATE SURVEY	08/28/23
DATE MAP	09/04/23
SCALE	N/T
SCALE HORIZ	1:1280
TAX MAP NO.	13-4-1-162
MAP NO.	05027

MAP OF SURVEY
PREPARED FOR
MICHAEL D. SCOTT
SITUATE IN LOT 143, TOWNSHIP 11, OLD MILITARY TRACT, RICHARD'S SURVEY,
TOWN OF ST. ARMAND, COUNTY OF ESSEX
AND STATE OF NEW YORK.

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