


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 2023-0002</p>
<p>In the Matter of the Application of</p> <p>JEFFREY SAWYER & DONNA SAWYER Permittees</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued: March 23, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Jeffrey Sawyer 2. Donna Sawyer</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and construction of a single family dwelling in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Jay, 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 new deeds describing the authorized lots have been recorded in the County Clerk's Office.

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 comprised of 1.55± acres of land located on Orchard Lane in the Town of Jay, Essex 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 17.4, Block 2, Parcels 16.000, 17.000, and 18.000, and is described in the following deeds:

- A deed from Thomas J. Hackett and Deborah D. Hackett to Jeffrey R. Sawyer and Donna L. Sawyer, dated September 15, 2006, and recorded September 18, 2006, in the Essex County Clerk's Office at Book 1509, Page 232.
- A deed from Orchard Heights Realty, LLC to Jeffrey R. Sawyer and Donna L. Sawyer, dated April 16, 2021, and recorded April 26, 2021 in the Essex County Clerk's Office at Book 2032, Page 142.

The project site is located within the designated East Branch AuSable River Recreational River area and is improved by an existing single family dwelling and on-site wastewater treatment system.

The project site is comprised of Lot 16, Lot 17, Lot 18, and Lot 19 of the Ward Subdivision. The Ward Subdivision is a pre-existing subdivision as determined by Agency file PES-0187.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of 1.55± acres creating a 1.00± acre lot containing an existing single family dwelling and on-site wastewater treatment system (Lot 1) and a 0.55± acre vacant residential lot for the construction of a single family dwelling and on-site wastewater treatment system (Lot 2).

The project is shown on the following maps and plans (Project Plans):

- A survey map titled "Map of Survey of certain lands of Jeffrey R. Sawyer and Donna L. Sawyer showing Sawyer Subdivision 2022", prepared by Adirondack Surveying PLLC, and last dated February 13, 2023 (Subdivision Plan); and
- A plan sheet titled "Sawyer Subdivision 2022", prepared by Upstate Design Associates, LLC, and dated February 1, 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 Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any subdivision of Low Intensity 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 Low Intensity Use lands that results in the creation of a non-shoreline lot smaller than 2.75 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 Project 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, 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 2023-0002, issued March 23, 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 Subdivision Plan. Any subdivision of the project site not depicted on the Subdivision Plan shall require prior written Agency authorization.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and garage on Lot 2 in the location, footprint, and height shown and as described on the Site Plan. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
7. The undertaking of any new land use or development not authorized herein on the project site shall require a new or amended permit.
8. Construction of any guest cottage on the project site shall require prior written Agency authorization.
9. Any on-site wastewater treatment system on Lot 2 installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the Site Plan. Construction of the system shall be supervised by a New York State design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

10. 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.
11. Any new free-standing or building-mounted outdoor lights on Lot 2 shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Orchard Lane, Rte 9N, or adjoining property.
12. All exterior building materials, including roof, siding and trim, of the dwelling and garage authorized herein on Lot 2 shall be a dark shade of green, grey, or brown.
13. There shall be no more than one principal building located on Lot 1 at any time. The single family dwelling constructed on the property in 1994 constitutes a principal building.
14. There shall be no principal buildings located on Lot 2 other than the dwelling authorized herein.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, 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 Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity 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 be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- g. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- h. 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 23rd day
of march, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 23rd day of march 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, 2025

