


THIS IS A TWO-SIDED DOCUMENT

 <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 2023-0013</p>
<p>In the Matter of the Application of</p> <p>MICHAEL FRANKLIN & DAVID FRANKLIN Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: June 8, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Michael Franklin 2. David Franklin</p>

SUMMARY AND AUTHORIZATION

This permit authorizes the construction of a single family dwelling in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Moriah, 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 Agency will consider the project in existence when the permit has been recorded.

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 the authorized dwelling 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 4.5±-acre parcel of land located on Ensign Pond Road in the Town of Moriah, Essex County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 96.3, Block 1, Parcel 53.121, and is described in a deed from David Franklin to Michael Franklin and David Franklin, dated October 4, 2022, and recorded November 10, 2022 in the Essex County Clerk' s Office at Book 2105, Page 179.

The project site is improved by a camper trailer and a shed. No on-site wastewater treatment facilities currently exist on the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of a single family dwelling.

The project site constituted a portion of a larger property on the May 22, 1973, enactment date of the Adirondack Park Land Use and Development Plan, and was created by subdivision from this larger property in 2012. As this subdivision occurred on Resource Management lands, it appears that an Agency permit was required for its undertaking. Agency records indicate that no permit was obtained. By issuance of this permit, the project site shall be recognized as lawful for Agency purposes.

The project is shown on an annotated survey map of the project site, annotated by Michael Franklin and received by the Agency on May 17, 2023 (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, a permit is required from the Adirondack Park Agency prior to the construction of any single family dwelling on Resource Management lands 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, 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 2023-0013, issued June 8, 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 the construction of one single family dwelling on the project site in the location and footprint as shown on the Site Plan.
6. The construction of any accessory structure on outside the limits of clearing shown on the Site Plan shall require prior written Agency authorization.
7. Construction of any guest cottage on the project site shall require prior written Agency authorization.
8. Prior to construction of any on-site wastewater treatment system 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 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.

9. 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.
10. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Ensign Pond Road or adjoining property.
11. Outside of the limits of clearing shown on the Site Plan, no trees greater than four inches in diameter at breast height may be cut or otherwise removed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

12. Between April 1 and October 31, no trees shall be removed or disturbed on the project site for construction of the authorized single family dwelling without prior written Agency authorization.
13. The undertaking of any activity involving wetlands shall require a new or amended permit.
14. There shall be no principal buildings located on the project site other than the single family dwelling authorized herein.

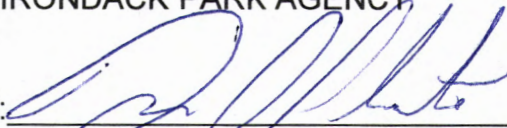
CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the 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 Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management 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.

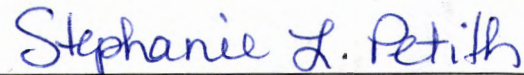
PERMIT issued this 8th day
of June, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 8th day of June 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.


Notary Public

Stephanie L. Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025

TRUE NORTH BY
MAP REF. #1



~ LEGEND ~

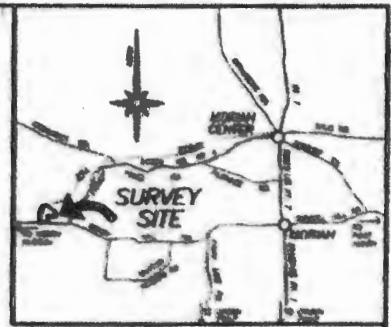
- 1/4" = 100'
- BOUNDARY AND WATER SIDE OF BROOK
- BOUNDARY AND WATER SIDE OF POND
- BOUNDARY SIDE OF BROOK
- BOUNDARY SIDE OF POND
- STONE WALL
- CHAIN LINK FENCE
- UTILITY POLE AND LINE
- ROAD
- DRIVEWAY
- WELL
- FENCE LINE
- BROOK
- POND
- BOUNDARY SIDE OF BROOK
- BOUNDARY SIDE OF POND
- BROOK
- POND
- BOUNDARY SIDE OF BROOK
- BOUNDARY SIDE OF POND

~ MAP REFERENCE ~

PL. ESSEX COUNTY DEPARTMENT OF PUBLIC WORKS 2000 PD-12-10-1
 PL. ESSEX COUNTY DEPARTMENT OF PUBLIC WORKS 2000 PD-12-10-2
 PL. ESSEX COUNTY DEPARTMENT OF PUBLIC WORKS 2000 PD-12-10-3
 PL. ESSEX COUNTY DEPARTMENT OF PUBLIC WORKS 2000 PD-12-10-4

REMAINING LANDS OF
 ANDREA L. WRIGHT
 BK. 1740 PG. 104 -- SEPTEMBER 20, 2013
 JOHN H. & ANDREA L. WRIGHT

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 ANDREA L. WRIGHT
 BK. 1740 PG. 104 -- SEPTEMBER 20, 2013
 JOHN H. & ANDREA L. WRIGHT



GENERAL LOCATION MAP -- NOT TO SCALE

Area of clearing
around
cabin



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~ NOTES ~

- 1. THE SURVEY IS BASED ON THE RECORD OF A SURVEY BY DAVID W. FRANKLIN, ESSEX COUNTY SURVEYOR, DATED NOVEMBER 15, 2012 IN BOOK 1715 AT PAGE 287.
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ESSEX COUNTY ROUTE 4
 ENSIGN
 POND

FILED IN THE ESSEX CO. CLERK'S OFFICE AS MAP NO. 2014

MAP OF SURVEY
 PREPARED FOR
 DAVID W. FRANKLIN

SHOWING THE LOCATION OF THE LINES TO BE USED IN A SECOND CONNECTION DEED.
 THE FIRST CONNECTION DEED BEING DATED NOVEMBER 15, 2012 BY DAVID W. FRANKLIN
 FROM JOHN H. WRIGHT, ANDREA L. WRIGHT, DAVID W. FRANKLIN AND DAVID W. FRANKLIN
 RECORDED IN THE ESSEX COUNTY CLERK'S OFFICE IN DEED BOOK 1715 AT PAGE 287
 ORIGINALLY DESCRIBED IN A DEED DATED JULY 31, 2012 IN BOOK 1740 AT PAGE 210

LOCATED IN LOT 305 OF PARISH TRACT
 TOWN OF MORRIS -- COUNTY OF ESSEX -- STATE OF NEW YORK
 SCALE 1" = 60'
 JANUARY 6, 2022

Handwritten signature
 DAVID W. FRANKLIN
 ESSEX COUNTY SURVEYOR

JAN 24, 2022

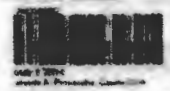
NEW YORK STATE OF OPPORTUNITY | Adirondack Park Agency

FINAL
P2023-0013

NEW YORK STATE OF OPPORTUNITY | Adirondack Park Agency

RECEIVED
Date: May 17, 2023

~ THE COURSE ~



ESSEX COUNTY
CLERK

Handwritten signature
 DAVID W. FRANKLIN
 ESSEX COUNTY SURVEYOR

THE STATE OF NEW YORK
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF LANDS