


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>2023-0046</b></p>
<p>In the Matter of the Application of</p> <p><b>STEPHEN O. HALL</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</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: <b>1. Stephen O. Hall</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision and a tourist accommodation in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Wilmington, 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 a new deed has been filed for each authorized lot, or 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 50.18±-acre parcel of land located on Springfield Road in the Town of Wilmington, Essex County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 26.1, Block 1, Parcel 19.110, and is described in a deed from Stephen Reed, Gregory Kozicz, and Peter Reed to Stephen O. Hall and Wendy B. Hall, dated January 14, 2000, and recorded January 19, 2000 in the Essex County Clerk's Office at Book 1237, Page 091.

The project site contains shoreline on the West Branch AuSable River. The project site also contains wetlands near the middle of the existing gravel drive that extend to the south. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site was created as "Lot 1" in a two-lot subdivision as authorized by Agency Permit 2006-0216. The project site is improved by one single family dwelling constructed in 1947 and a public use education and outreach facility and associated structures as authorized by Agency Permit 2016-0222.

The project site also contains a public fishing access site that shares a parking lot with the public use education and outreach facility. Access to this site is over an existing easement area through an easement agreement with the NYS Department of Environmental Conservation.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision resulting in a 3±-acre lot containing a pre-existing single family dwelling (Lot 1) and a 47±-acre lot improved by the existing Adirondack Wildlife Refuge, associated structures, and two tourist accommodation cabins (Lot 2). Both lots contain shoreline on the West Branch AuSable River.

The project is shown on a one sheet plan titled "Map of Survey of certain lands of Stephen O. Hall showing Hall Subdivision 2023," prepared by Adirondack Surveying PLLC, dated April 10, 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 Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the establishment of any tourist accommodation on Moderate Intensity Use 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. This permit amends and supersedes Agency permits 2016-0216 and 2016-0222 in relation to the project site. The terms and conditions of Permit 2016-0216 and 2016-0222 shall no longer apply to the project site.
5. 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 2023-0046, issued June 8, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. 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.
7. Any deed of conveyance for Lot 2 as depicted on the Site Plan shall contain an easement providing driveway access to Lot 1 over the easement area shown and described on the Site Plan.
8. Any deed of conveyance for Lot 2 as depicted on the Site Plan shall contain an easement to the NYS Fishing Access Site on the West Branch Ausable River over the easement area shown and described on the Site Plan. The construction of any additional parking on Lot 2 shall require prior written Agency authorization.
9. This permit authorizes the undertaking of a tourist accommodation on Lot 2 in one two-person cabin and one four-person cabin in the two cabin locations shown on the Site Plan. Any change to the location or occupancy of the tourist accommodations shall require prior written Agency authorization.

10. All exterior building materials, including roof, siding and trim, of the public use building on Lot 2 shall be a dark shade of green, grey, or brown.
11. All signs associated with the public use building on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3]. Prior to the installation of any signs associated with the public use building, a sign plan shall be submitted to the Agency for review and approval in the form of a letter of permit compliance.
12. Any new free-standing or building-mounted outdoor lights on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward the west Branch AuSable River, Springfield Road, or adjoining property.
13. Prior to undertaking construction of any boathouse on the project site, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
14. Prior to undertaking construction of any dock on the project site, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
15. No structures greater than 100 square feet in size shall be constructed within 50 feet, measured horizontally, of the mean high water mark of the West Branch AuSable River. Boathouses and docks, as defined under 9 NYCRR § 570.3 are excepted from this requirement.
16. Installation of any new or replacement on-site wastewater treatment system(s) on the project site shall require prior written Agency approval.
17. Within 35 feet of the mean high water mark of the West Branch AuSable River, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed 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.
18. There shall be no more than two principal buildings located on Lot 1, 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.
19. There shall be no more than 34 principal buildings located on Lot 2 at any time. The public use building constructed on the property in 2016 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.



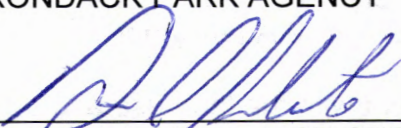
**CONCLUSIONS OF LAW**

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 Moderate Intensity land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity 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.

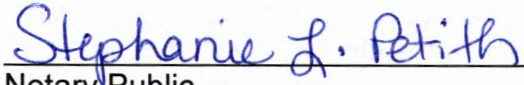
PERMIT issued this 8<sup>th</sup> day  
of June, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 8<sup>th</sup> 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

**Map Notes:**

1. This is a preliminary plan in addition to a survey map bearing a Licensed Land Surveyor's seal and a violation of section 7203 sub-division 2 of the New York State Education Law. Only copies from the original of this boundary survey instrument with an original of the Land Surveyor's embossed seal shall be considered valid for copies. (Under penalty of law, any copy stamped with the surveyor's seal with an original signature)
2. Certifications and related notes signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveyors adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to the accuracy for which the Boundary Survey is prepared, to the title company, to the governmental agency, and to the boundary location on the boundary survey map and to the easements of the boundary instrument. These certifications are not transferable to additional individuals or subsequent owners.
3. This map may not be used in connection with a "Survey Affidavit" or similar document submitted for registration to obtain title insurance for any subsequent or future purchase.
4. Copyright 2022 Adirondack Surveying PLLC. All rights reserved.
5. The location of underground improvements or encroachments are not always known and when not as defined. If any underground improvement or encroachment exist or are shown, the improvements or encroachments are not covered by the certification.
6. North arrow and bearings based on Reference May 93 using Magnetic North, 2022.
7. Building setbacks, as shown on this map, are not to be used for construction purposes.
8. Subject to any and all rights of ways and easements of record, if any.
9. Survey was performed without the benefit of an Abstract of Title and is subject to any findings one may show or those discovered by the owner.
10. Survey subject to any right, title or interest the public may have in and to that portion of Springfield Road used for highway purposes.
11. Wetland delineation (NYS2022-0075) performed by Mary Chiel on October 24, 2022 by using National Map Act through 40 CFR 41.101 through 41.106 using field notes.
12. Riparian Rights, if any, have not been established as a result of this survey.
13. Subject to Adirondack Park Agency Permit P2023-0164 issued May 09, 2023 for the full Subdivision 2023-2024 subdivision. The terms and conditions of which are located upon the back, successors and assigns of the grantor and all subsequent grantees.
14. Parcel is located within the "Moderate Intensity" Adirondack Park Agency Land Use Classification.
15. Contours, as depicted herein, are data generated and were obtained from the NYS GIS Clearinghouse. These have not been field verified and are for planning and reference purposes only.

**Reference Deeds:**

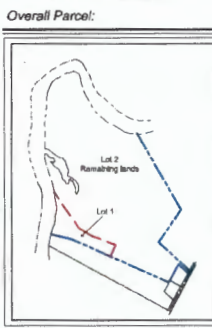
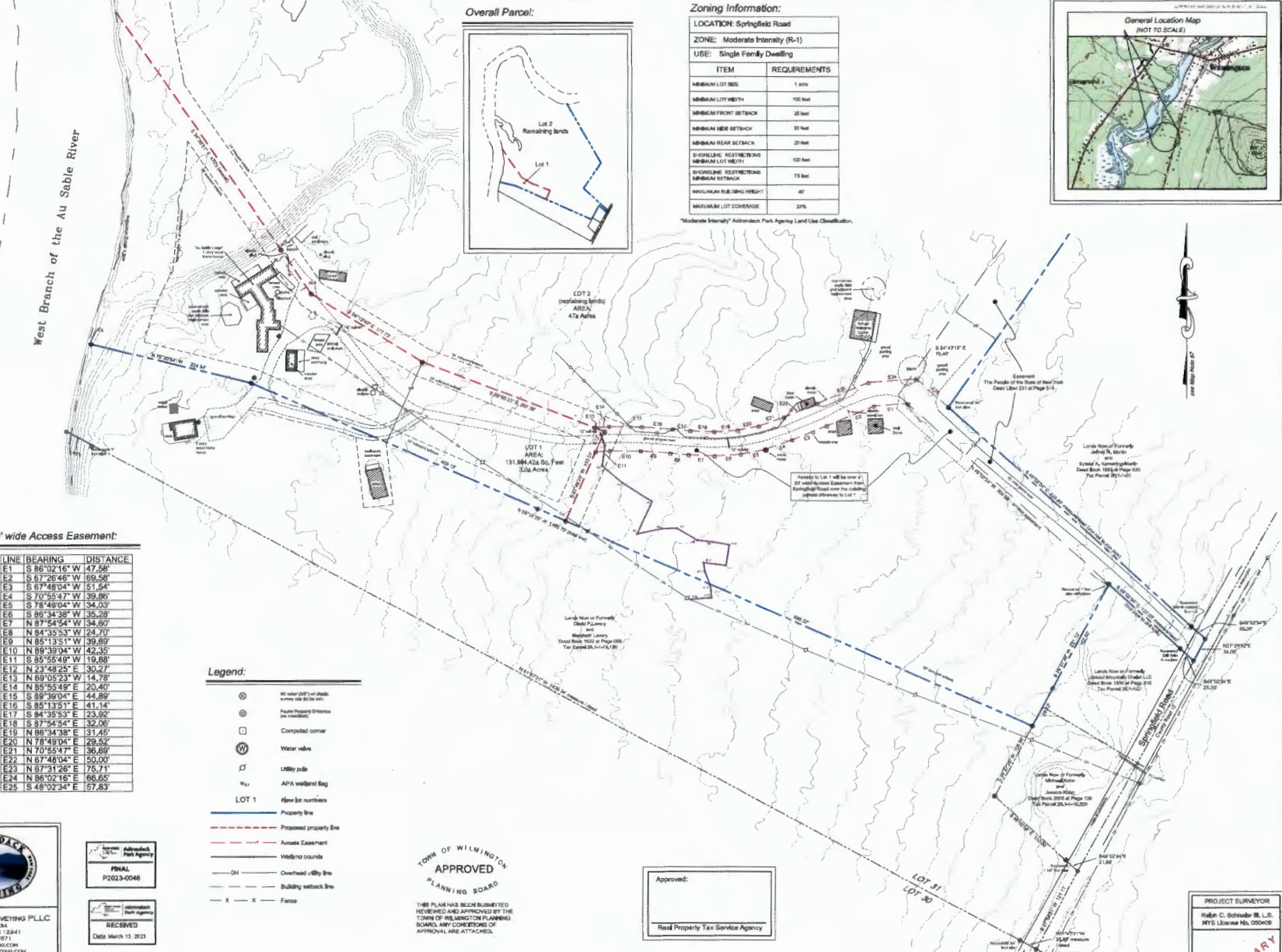
1. Stephen Reed, Gregory Hixson, and Peter Reed to Stephen O. Hall and Wendy B. Hall by deed dated January 14, 2000 and recorded in Deed Book 1327 at page 51 on January 19, 2000 in the Essex County Clerk's Office.
2. Stephen O. Hall and Wendy B. Hall to David P. Lantry and Marybeth Lantry by deed dated October 23, 2008 and recorded in Deed Book 1822 at page 088 on October 28, 2008 in the Essex County Clerk's Office.
3. Adirondack Park Agency Project Permit 2006-2164 for Stephen O. Hall and Wendy B. Hall based on May 08, 2007 and recorded in APA Book 72 at page 089 on June 12, 2007 in the Essex County Clerk's Office.

**Reference Maps:**

1. Map of Survey Showing the Subdivision of Lands of Stephen O. Hall and Wendy B. Hall, prepared by Robert L. Schaefer, L.S., dated May 6, 2002 (not filed in the Essex County Clerk's Office).
2. Map of Survey Showing Parcel Located in Lot No. 31 Malloy Grant, Town of Wilmington, Essex County, New York State, prepared by Steven J. Johnson, L.S., dated January 26, 1992 and filed in the Essex County Clerk's Office as Deed Book 1188 at Page 227.
3. Map of Survey of a certain portion of Stephen O. Hall and Wendy B. Hall showing State Enclosure Easement and Access Easement prepared by Robert L. Schaefer, L.S., dated June 12, 2015, last revised July 09, 2015 and filed in the Essex County Clerk's Office as map #8982.

**Tax Map Reference:**

Section 26.1 - Block 1 - Lot 18/19  
Town of Wilmington - County of Essex



**Zoning Information:**

LOCATION: Springfield Road  
 ZONE: Moderate Intensity (R-1)  
 USE: Single Family Dwelling

ITEM	REQUIREMENTS
MINIMUM LOT SIZE	1 Acre
MINIMUM LOT WIDTH	100 feet
MINIMUM FRONT SETBACK	25 feet
MINIMUM REAR SETBACK	30 feet
MINIMUM SIDE SETBACK	20 feet
MINIMUM REAR SETBACK	20 feet
SHOWLINE RESTRICTIONS	100 feet
MINIMUM LOT WIDTH	75 feet
MINIMUM BUILDING HEIGHT	40'
MINIMUM LOT COVERAGE	20%



**30' wide Access Easement:**

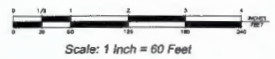
LINE	BEARING	DISTANCE
E1	S 85°32'16" W	47.56'
E2	S 67°26'46" W	69.56'
E3	S 67°48'04" W	51.54'
E4	S 70°55'47" W	39.86'
E5	S 78°49'04" W	54.33'
E6	S 86°34'38" W	35.28'
E7	N 87°54'54" W	34.80'
E8	N 84°35'37" W	24.70'
E9	N 85°13'51" W	39.89'
E10	N 89°39'04" W	42.35'
E11	S 85°55'49" W	19.88'
E12	N 23°48'25" E	30.27'
E13	N 69°05'23" W	14.78'
E14	N 85°55'49" E	20.40'
E15	S 89°39'04" E	44.89'
E16	S 85°13'51" E	41.14'
E17	S 84°35'53" E	23.92'
E18	S 87°54'54" E	32.06'
E19	N 86°34'38" E	31.45'
E20	N 78°49'04" E	26.52'
E21	N 70°55'47" E	36.69'
E22	N 67°48'04" E	50.00'
E23	N 57°31'26" E	75.71'
E24	N 95°02'16" E	66.65'
E25	S 48°02'34" E	57.83'

- Legend:**
- ⊙ 60' water (200' of depth survey map 30' to 60')
  - ⊙ Future Property Easements (as recorded)
  - ⊠ Computed corner
  - ⊙ Water valve
  - ⊙ Utility pole
  - ⊙ APA wetland flag
  - Hatched boundaries
  - Property line
  - Proposed property line
  - Access Easement
  - Wetland bounds
  - Overhead utility line
  - Building setback line
  - X X Fence

TOWN OF WILMINGTON  
 APPROVED  
 PLANNING BOARD

THIS PLAN HAS BEEN SUBMITTED  
 REVIEWED AND APPROVED BY THE  
 TOWN OF WILMINGTON PLANNING  
 BOARD, ANY CONDITIONS OF  
 APPROVAL ARE ATTACHED.

Approved:  
 Real Property Tax Service Agency



**Map of Survey**  
 of certain lands of  
**STEPHEN O. HALL**  
 showing  
**HALL SUBDIVISION**  
**2023**

Adirondack Surveying PLLC  
 PO Box 334  
 Jay, New York 13424  
 518.848.7971  
 ADIRONDACKSURVEYING.COM  
 INFO@ADIRONDACKSURVEYING.COM

Adirondack Park Agency  
**FINAL**  
 P2023-0046

Adirondack Park Agency  
**RECEIVED**  
 Date March 13, 2023

Lot No.	2023-081	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Area (Acres)	191.084	3.06	47.56	51.54	39.86	54.33	35.28	34.80	24.70	39.89	42.35	19.88	30.27	14.78	20.40
Area (Sq. Feet)	13,200,000	418,000	3,280,000	3,580,000	2,800,000	3,750,000	2,400,000	2,480,000	1,730,000	2,850,000	2,950,000	1,390,000	2,080,000	1,050,000	1,420,000

**ATTACHMENT D**

PROJECT SURVEYOR  
 Robert C. Schaefer III, L.S.  
 NYS License No. 000008

**PRELIMINARY**