


**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>2023-0054</b></p>
<p>In the Matter of the Application of</p> <p><b>ROBERT RISSETTO, SR.</b> <b>PAUL RISSETTO</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: March 19, 2024</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. Robert Risetto, Sr.</b></li><li><b>2. Paul Risetto</b></li></ol>

**SUMMARY AND AUTHORIZATION**

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

This authorization shall expire unless recorded in the Clinton 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 Clinton 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 16.4 acres located on Sunset Road in the Town of Dannemora, Clinton County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is comprised of two parcels, identified as Tax Map Section 182.2, Block 1, Parcel 10.1 and 10.2 (Lot 10.1 and Lot 10.2). Lot 10.1 is described in a deed from Robert A. Risetto, Sr. to Robert A. Risetto and Elizabeth J. Risetto, dated February 9, 2010, and recorded February 9, 2010 in the Clinton County Clerk's Office under Instrument Number 2010-00230341. Lot 10.2 is described in a deed from Robert A. Risetto, Sr. to Robert A. Risetto and Elizabeth J. Risetto, dated, June 10, 1993, and recorded June 16, 1993 in the Clinton County Clerk's Office at Book 886, Page 221.

The project site contains shoreline on Upper Chateaugay Lake and contains wetlands. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

Lot 10.2 is improved by a single family dwelling constructed circa 1978.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two lot subdivision involving wetlands, creating a lot with an existing single family dwelling (Lot 10.2) and a lot to be improved with a camper (Lot 10.1).

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 1987. As this subdivision involved wetlands, 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 the following plans:

- The subdivision and location of the on-site wastewater treatment system and camper are depicted on "Sheet S-1, Map of Survey" (Site Plan), prepared by Robert M. Sutherland, P.C. and received by the Agency January 22, 2024.
- Details of the on-site wastewater treatment system are depicted on "Sheet S-2, Map of Survey" (Septic Plan), prepared by Robert M. Sutherland, P.C. and received by the Agency January 22, 2024.

A reduced-scale copy of the Site Plan and Septic Plan for the project are 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 Clinton 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 and Septic 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 2023-0054, issued March 19, 2024, 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 Lot 10.1 or 10.2 not depicted on the Site Plan shall require prior written Agency authorization.
6. Subject to the conditions stated herein, this permit authorizes the placement of a camper on Lot 10.1 within the building envelope shown on the Site Plan.
7. Prior to the construction of a single family dwelling on Lot 10.1, certification from a New York State design professional (licensed engineer or registered architect) shall be provided to the Agency confirming the on-site wastewater treatment system authorized herein is sufficient for the dwelling.  
  
The single family dwelling shall be located within 250 feet of the on-site wastewater treatment system location shown on the Site Plan and shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. Any expansion beyond these dimensions shall require prior written Agency authorization.
8. The construction of any additional dwelling or other principal building on the project site shall require prior written Agency authorization. Any accessory structure on Lot 10.1 shall be located more than 100 feet from wetlands.

9. Construction of any guest cottage on the project site shall require prior written Agency approval.
10. Prior to undertaking construction of any boathouse on Lot 10.1, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
11. Prior to undertaking construction of any dock on Lot 10.1, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
12. No structures greater than 100 square feet in size shall be constructed within 50 feet, measured horizontally, of the mean high water mark of Upper Chateaugay Lake. Boathouses and docks, as defined under 9 NYCRR § 570.3 are excepted from this requirement.
13. Any on-site wastewater treatment system(s) on Lot 10.1 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 and Septic 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.
13. 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.
14. 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 Upper Chateaugay Lake or adjoining property.
15. Within 50 feet of the centerline of Sunset Road or within 100 feet of wetlands, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed on Lot 10.1 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.
16. The undertaking of any activity involving wetlands shall require a new or amended permit.

17. There shall be no more than eight principal buildings located on Lot 10.1 at any time. The single family dwelling authorized herein constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
18. There shall be no more than five principal buildings located on Lot 10.2 at any time. The single family dwelling constructed on the property in 1978 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

### **CONCLUSIONS OF LAW**

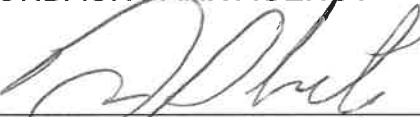
The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578 9 NYCRR Part 574. The Agency hereby finds that the subdivision/single family dwelling authorized as conditioned herein:

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

PERMIT issued this 19<sup>th</sup> day  
of March, 2024.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_



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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 19<sup>th</sup> day of MARCH in the year 2024, 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



Craig A. Michaels  
Notary Public, State of New York  
Reg. No. 02MI6413384  
Qualified in Essex County  
Commission Expires January 25, 2025

### Map Notes:

1. Jurisdictional disclaimer in addition to a survey with bearing a licensed land surveyor is a professional act under the laws of the State of New York.
2. Only copies from the original of this survey made with the original of this survey shall be considered as true and correct. This survey is not to be used as a substitute for a deed.
3. The surveyor is not to be held liable for any error or omission in the survey or for any consequences of the survey.
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13. The surveyor is not to be held liable for any error or omission in the survey or for any consequences of the survey.

### Reference Deed:

Robert A. Rissatto, Sr. By deed dated February 7, 2010 and recorded in the County of Warren, New York, Book 131, Page 102, in the County of Warren, New York.

### Reference Map:

Survey Map Number 1963 & 2008, Geneva At Water, J. C. Rissatto, Sr. Property prepared by Charles D. Smith, L.S. 10/24/1994, 11/10/21.

### Tax Map Reference:

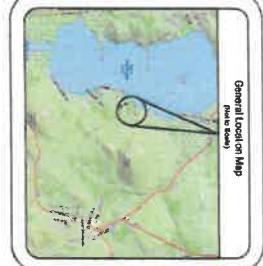
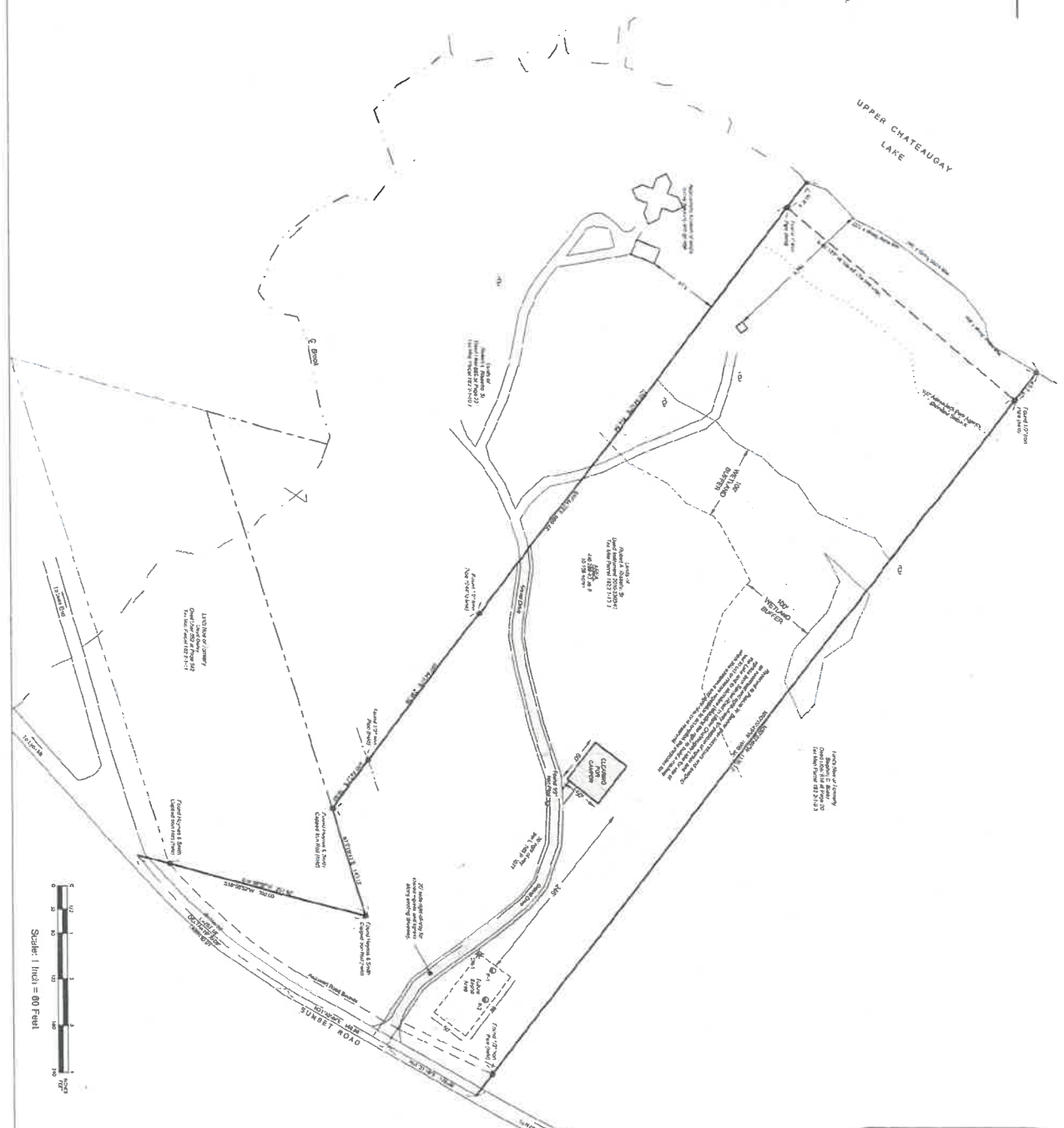
Map No. 131-1-1-1-102  
 Town of Warren, Warren County, New York

### Legend:

- 2" or 4" iron rod in hole
- Fixed point reference (see attached)
- Computed corner
- 3" iron pipe
- 4" iron pipe
- 6" iron pipe
- 8" iron pipe
- 10" iron pipe
- 12" iron pipe
- 14" iron pipe
- 16" iron pipe
- 18" iron pipe
- 20" iron pipe
- 22" iron pipe
- 24" iron pipe
- 26" iron pipe
- 28" iron pipe
- 30" iron pipe
- 32" iron pipe
- 34" iron pipe
- 36" iron pipe
- 38" iron pipe
- 40" iron pipe
- 42" iron pipe
- 44" iron pipe
- 46" iron pipe
- 48" iron pipe
- 50" iron pipe
- 52" iron pipe
- 54" iron pipe
- 56" iron pipe
- 58" iron pipe
- 60" iron pipe
- 62" iron pipe
- 64" iron pipe
- 66" iron pipe
- 68" iron pipe
- 70" iron pipe
- 72" iron pipe
- 74" iron pipe
- 76" iron pipe
- 78" iron pipe
- 80" iron pipe
- 82" iron pipe
- 84" iron pipe
- 86" iron pipe
- 88" iron pipe
- 90" iron pipe
- 92" iron pipe
- 94" iron pipe
- 96" iron pipe
- 98" iron pipe
- 100" iron pipe

**Certification:**  
 I hereby certify to the parties of this deed that this map was prepared in accordance with the laws of the State of New York, and that I am a duly licensed land surveyor in the State of New York.

Robert A. Rissatto, Sr.  
 Surveyor  
 State of New York  
 No. 12, License No. 2012



Per Reference Map

RECEIVED	DATE: January 22, 2024
PAID	PROJECT: 0024

**RMS**

ROBERT A. RISSATTO, SR., SURVEYOR

117 WEST 1ST STREET, WARREN, NY 14159

TEL: 716-642-1111 FAX: 716-642-1112

WWW.RISSATTO.COM

**Map of Survey**

showing certain lands of

**Robert A. Rissatto, Sr.**

Warren County, New York

Scale =

1" = 80'

Sheet No. S-1

DATE: 08/03/2023

TIME: 11:46

BY: JRS

SCALE: LSC

