


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 2023-0056</p>
<p>In the Matter of the Application of</p> <p>LEONARD BROILES, PAMELA BROILES JOHN SCHIAVONI, GLYNDEEN SCHIAVONI 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: April 4, 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. Leonard Broiles2. Pamela Broiles3. John B. Schiavoni4. Glyndeen A. Schiavoni

SUMMARY AND AUTHORIZATION

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

This authorization shall expire unless recorded in the Hamilton 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 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 82 acres of land located on NYS Route 30 in the Town of Wells, Hamilton County, in an area classified Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 130.000, Block 2, Parcels 1 and 5.200. Parcel 1 is described in a deed from Adrian Pelletier and Gabrielle Pelletier to John B. Schiavoni and Glyndeen Schiavoni, dated December 3, 1969, and recorded December 3, 1969 in the Hamilton County Clerk's Office at Book 148, Page 235. Parcel 5.200 is described in a deed from Pamela Carroll n/k/a Pamela Broiles to Leonard Broiles and Pamela Broiles, dated March 25, 1997, and recorded March 31, 1997 in the Hamilton County Clerk's Office at Book 148, Page 235.

Parcel 1 is approximately 78.5 acres and is improved by a pre-existing single family dwelling and related development. Parcel 5.200 is approximately 3.5 acres and is improved by an existing single family dwelling and related development.

The project site is partially located within the designated Main Branch Sacandaga River Recreational River area. The project site also contains wetlands within 200 feet of the proposed subdivision boundary. Additional wetlands not described herein may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of tax parcel 130.000-2-1 creating:

- A 76.9-acre lot on Low Intensity Use and Rural Use lands improved by a pre-existing single family dwelling with related development (Lot 1); and
- A 1.6-acre vacant lot (Lot 2) to be merged by deed with adjoining tax parcel 130.000-1-5.200 to create a 5.1-acre lot on Low Intensity Use lands improved by an existing single family dwelling with related development.

The project is shown on an annotated portion of a Town of Wells tax map prepared by Leonard Broiles, and dated February 22, 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 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 Hamilton 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 2023-0056, issued April 4, 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.
6. Within 30 days of conveyance of Lot 2, a new deed shall be filed in the Hamilton County Clerk's office describing Lot 2 and tax parcel 130.000-1-5.200 as a single, un-divided lot. Any future subdivision of this un-divided lot shall require a new or amended permit.
7. The undertaking of any new land use or development on the project site within one-quarter mile of the Main Branch Sacandaga River shall require a new or amended permit.
8. The undertaking of any activity involving wetlands shall require a new or amended permit.
9. There shall be no more than thirteen principal buildings located on the Low Intensity Use portion Lot 1, in addition to the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.

There shall be no more than five principal buildings located on the Rural Use portion of Lot 1. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

10. There shall be no more than one principal building located on the merged property comprised of Lot 2 and tax parcel 130.000-1-5.200, 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 Low Intensity Use and Rural Use land use areas;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use and Rural Use land use areas;
- 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 ^{4th} day
of April, 2023.

ADIRONDACK PARK AGENCY

BY:



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

STATE OF NEW YORK
COUNTY OF ESSEX

On the ^{4th} day of April 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.

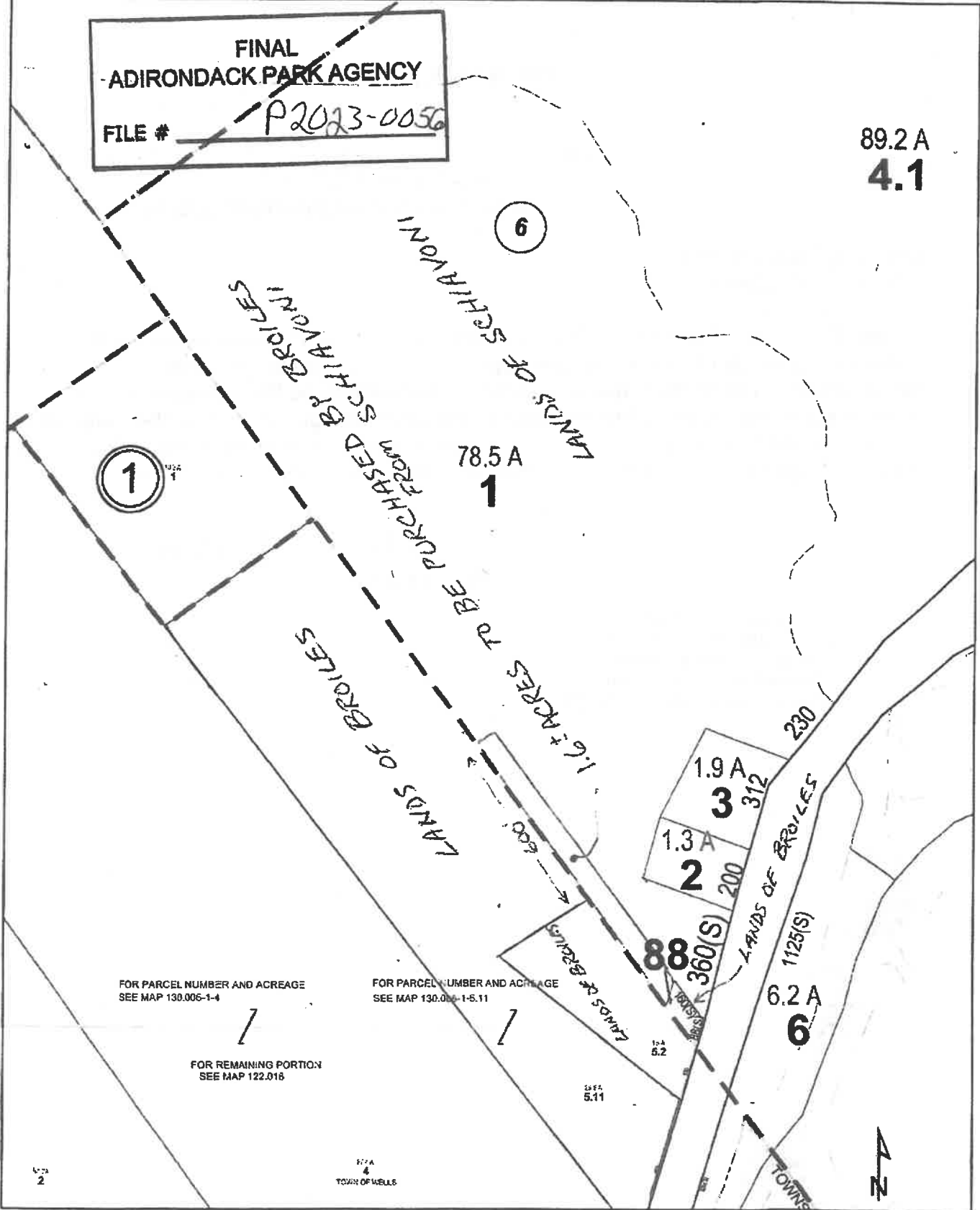


Notary Public

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

FINAL
ADIRONDACK PARK AGENCY
FILE # P2023-0056

89.2 A
4.1



Date: 2/22/2023

Wells

1 inch = 400 feet