


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 2023-0084</p>
<p>In the Matter of the Application of</p> <p>SHAWN D. WOOD, KAITLIN E. WOOD, JAY M. DANIS and HEIDI W. DANIS Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: June 29, 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. Shawn D. Wood2. Kaitlin E. Wood3. Jay M. Danis4. Heidi W. Danis

SUMMARY AND AUTHORIZATION

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

This authorization shall expire unless recorded in the Franklin 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 Franklin 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 a 70.72-acre parcel of land located on NYS Route 3 and French Road in the Town of Franklin, Franklin County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The project site is identified as Tax Map Parcels 296.-1-9.1 and 311-1-14.1 and is described in a deed from Arthur P. Willman and Alleen M. Willman to Jay M. Danis, Heidi W. Danis, Shawn D. Wood and Kaitlin E. Wood dated February 26, 2023, and recorded March 22, 2023 in the Franklin County Clerk's Office under Instrument Number 2023-1185.

The project site is partially located within the NYS Route 3 Highway Critical Environmental Area. The project site also contains wetlands associated with the Alder Brook. Additional wetlands not described herein or depicted on the Survey cited below may be located on or adjacent to the project site.

The project site was created as "Lot 2" in a two-lot subdivision authorized by Agency Permit 2022-0271.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision to create a 32.34-acre vacant lot and a 38.38-acre vacant lot. No new land use or development is proposed.

The project is shown on an annotated survey map titled "Schedule B Attachment," received by the Agency on May 9, 2023 (Subdivision Map). A reduced-scale copy of the Subdivision Map 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 any subdivision that results in the creation of five or more lots, parcels, or sites since May 22, 1973, in a Rural Use land use area 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 Franklin 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 the attached Subdivision Map 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 permits 2022-0076 and 2022-0271. The terms and conditions of permits 2022-0076 and 2022-0271 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 2023-0084, issued June 29, 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 Subdivision Map. Any subdivision of the project site not depicted on the Subdivision Map shall require a new or amended permit.
7. The undertaking of any new land use or development on Lot 1 within 150 feet of the right of way of NYS Route 3 shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
8. The construction of any cabin, dwelling or other principal building on Lot 1 shall require a new or amended permit
9. The construction of any dwelling or other principal building on Lot 2 shall require prior written Agency authorization.
10. Prior to construction of any on-site wastewater treatment system(s) 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.

11. There shall be no more than four principal buildings located on Lot 1. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
12. There shall be no more than five principal buildings located on Lot 2. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

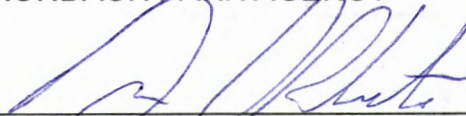
CONCLUSIONS OF LAW

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 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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural 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 29th day
of June, 2023.

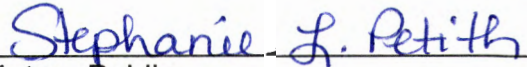
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

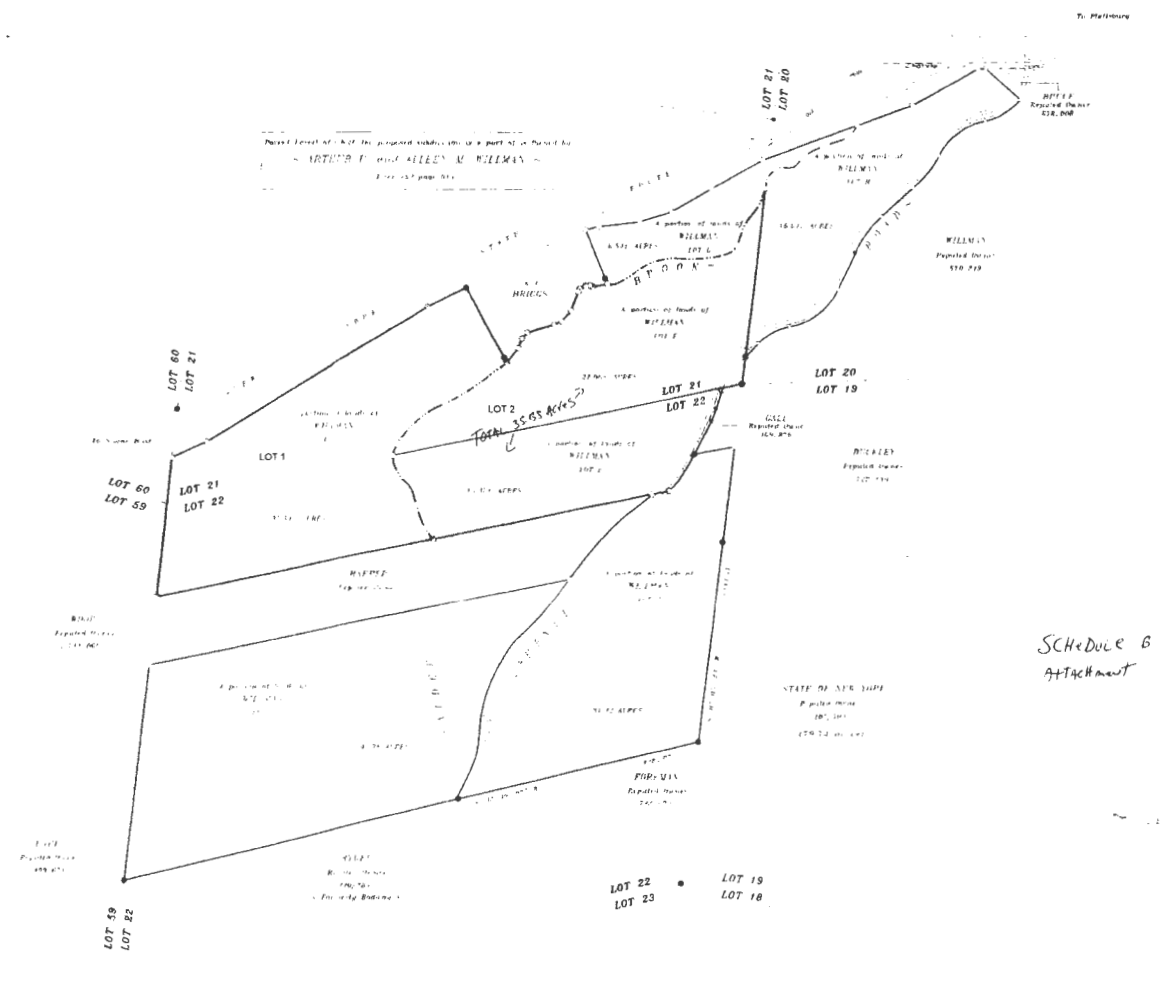
On the 29th day of June, in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged 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.

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


Notary Public

RECEIVED
Date: May 9, 2023

FINAL
P2023-0084



SCHEDULE B
Attachment

PRELIMINARY
PLAT
SHOWING SURVEY AND SUBDIVISION OF PROPERTY
OF
ARTHUR F. AND ALLEN W. WILLIAMS
IN
LOTS 19, 20, 21 AND 22
TOWNSHIP OF OLD MILITARY TRACT
COUNTY OF FRANKLIN
STATE OF NEW YORK



ARTHUR F. AND ALLEN W. WILLIAMS
650 NYS ROUTE 86, SUITE 3000, ALBANY
PLATTING NUMBER: 2023-0084
EXPIRES: 10/01/2025
SUSANNE R. LEIGHTON, LAND SURVEYING, PLLC