


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <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 2023-0085</p>
<p>In the Matter of the Application of</p> <p>GEORGE B. STUDNICKY, III AND LILY M. STUDNICKY Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: July 19, 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. George B. Studnicky, III2. Lily M. Studnicky

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 Johnsburg, Warren County.

This authorization shall expire unless recorded in the Warren 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 Warren 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 272± acres of land located on NYS Route 28 in the Town of Johnsbury, Warren 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 Section 134, Block 1, Parcels 46 and 47; and
- Tax Map Section 135, Block 1, Parcels 12 and 15.

The site is depicted and described as Parcel 50 and portions of Parcels 46 and 49 on "Map of Lands of Leonard Anderson & Mildred Anderson, Bernard Anderson & Margaret Anderson Owen," dated April 3, 1953, and recorded as Instrument 1956-3000013.

The project site is described in a deed from Alois Putre, Jr. and Trudy J. Putre to George B. Studnicky, III and Lily M. Studnicky, dated January 4, 2005, and recorded in the Warren County Clerk's Office under Book 1435, Page 1.

The project site is improved by a single family dwelling, accessory shed, and a partially demolished dwelling. The project site is partially located within the NYS Route 28 Highway Critical Environmental Area. The project site also contains wetlands associated with Anderson Brook. 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 the project site to create:

- Lot 1, a vacant 41±-acre lot; and
- Lot 2, a 231±-acre lot containing existing development.

The project is shown on the following maps, plans, and reports:

"Studnicky Family Proposed Subdivision," in seven sheets prepared by RU Holmes, Engineering, PLLC, dated May 4, 2023, and received by the Agency on May 8, 2023 (Site Plans).

A reduced-scale copy of Sheet 2 of the Site Plans 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 any subdivision of Rural Use lands within 150 feet of the edge of the right-of-way of any state highway 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 Warren 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 Site Plans 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, 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 2023-0085, issued July 19, 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 Plans. Any subdivision of the project site not depicted on the Site Plans shall require prior written Agency authorization.
6. Any deed of conveyance for Lot 2 shall contain an easement providing ingress and egress to Lot 1 as depicted and described on the Site Plans.
7. Subject to the conditions stated herein, this permit authorizes the new construction and improvement of the "Rt. 28 Driveway Entrance" and "Proposed New Driveway" within 150 feet of the right of way of NYS Route 28 as depicted and described on the Site Plans. Any new construction or improvements not depicted and described in the Site Plans and within 150 feet of the right of way of NYS Route 28 shall require prior written Agency authorization.
8. The undertaking of any new land use or development not authorized herein on the project site within 150 feet of the right of way of NYS Route 28 shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
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 NYS Route 28 or adjoining properties.
11. Within 100 feet of NYS Route 28, no trees, shrubs or other woody-stemmed vegetation height 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 1) vegetation inside the "Rt. 28 Driveway Entrance" as depicted on the Site Plans and 2) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

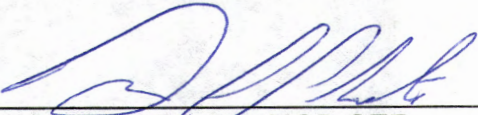
CONCLUSIONS OF LAW

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

- a. will meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Johnsburg; and
- b. 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.

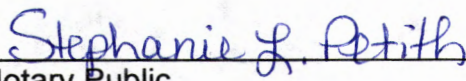
PERMIT issued this 19th day
of July, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

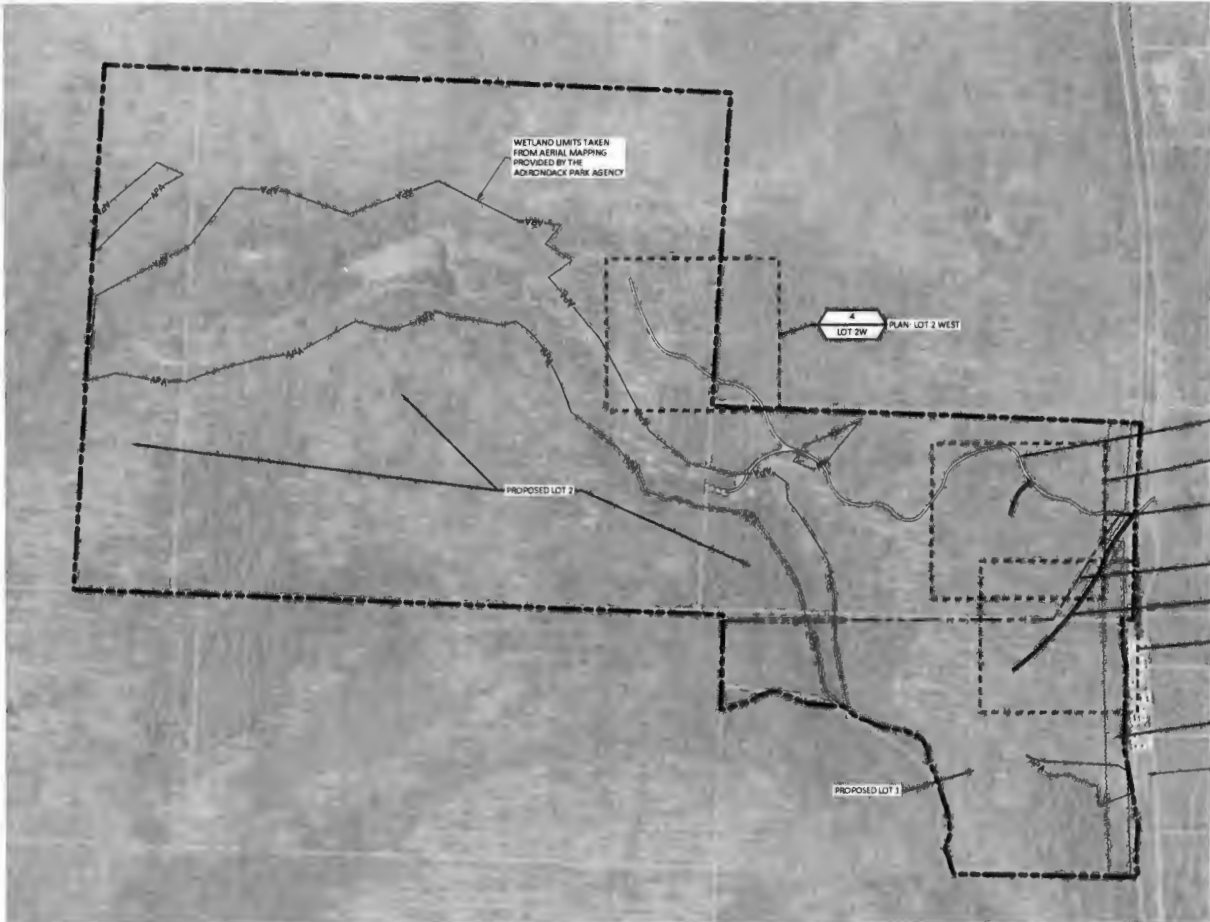
On the 19th day of July in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged 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

NEW YORK STATE
Adirondack Park Agency
FINAL
P2023-0085

NEW YORK STATE
Adirondack Park Agency
RECEIVED
Date: May 8, 2023



EXISTING LOG ROAD TAKEN FROM AERIAL IMAGERY. LOCATION SHOULD BE CONSIDERED APPROXIMATE

3 PLAN LOT 2 EAST LOT 2E

2 RT. 28 DRIVEWAY ENTRANCE

PROPOSED BOUNDARY LINE BETWEEN LOT 1 & 2

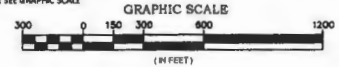
PROPOSED NEW DRIVEWAY

5 PLAN LOT 1 LOT 1

130' VEGETATIVE BUFFER (NO CUT ZONE) (CLOUDED AREAS) ALONG NYS RTE 28 HIGHWAY

NYS RTE. 28

2 PLAN: OVERALL PROPERTY / INDEX
 SCALE: SEE GRAPHIC SCALE



NOT FOR CONSTRUCTION

05/04/2023	△	SUBMITTED TO THE APA AND TOWN OF JOHNSBURG FOR REVIEW	
DATE	REV #	ISSUED / REVISIONS	
<small>THIS DRAWING IS THE PROPERTY OF THE ENGINEER AND IS TO BE USED ONLY FOR THE USE SPECIFIED IN THE TITLE. NO PART OF THIS DRAWING OR THE INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER SERVICES OR TO ANY OTHER PERSONS OR ENTITIES. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER SERVICES OR TO ANY OTHER PERSONS OR ENTITIES.</small>			
			SUBD
PLAN: SUBDIVISION - INDEX			
PROPOSED SUBDIVISION STUDNICKY FAMILY STATE ROUTE 28 TOWN OF JOHNSBURG, WARREN COUNTY, NEW YORK			
MAY 2023		PRO #22-008	SHEET: 2 OF 7
<small>DATE OF THIS DOCUMENT: 05/04/23</small>		<small>DATE SHEET: 22 x 34</small>	<small>PLOTTED: REWISED 05/04/2023 3:30 PM</small>