


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>2023-0124</b></p>
<p>In the Matter of the Application of</p> <p><b>GREGORY M. GOODENBOUR and TERESA J. GOODENBOUR</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued: August 22, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Gregory M. Goodenbour 2. Teresa J. Goodenbour</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a garage in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Keene, 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 the foundation of the garage has been constructed.

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 10±-acre parcel of land located on Lacy Road in the Town of Keene, Essex County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 44.2, Block 1, Parcel 47.002, and is described in a deed from Joseph G. Tomasello to Gregory M. Goodenbour and Teresa J. Goodenbour, dated March 16, 2009, and recorded April 7, 2009 in the Essex County Clerk's Office under Instrument Number 2009-00001410.

The project site is located within the designated East Branch AuSable River Recreational River area.

The project site is improved by a single family dwelling, and small cabin, with associated on-site wastewater treatment system.

The project site was created as a 5.63±-acre lot in a two-lot subdivision and is improved by a single family dwelling as authorized by Agency permits 1992-0116 and 0116A. Agency Permit 1992-0116A authorized additional acreage to be merged into the 5.63±-acre lot, creating the current 10±-acre lot.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of a detached garage with an on-site wastewater treatment system. The project is shown on the following maps, plans, and reports:

- "Site Plan Map for Proposed Detached Garage," prepared by Teri Goodenbour, and dated July 26, 2023 (Site Plan); and
- Five sheets titled "Goodenbour Septic System," prepared by Mark J. Buckley, and dated July 2, 2023 (Septic Plan).

A reduced-scale copy of the Site Plan is attached as a part of this permit for reference.

## **AGENCY JURISDICTION**

Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to construction of any structure on Resource Management lands located within any designated recreational river 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 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 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, Wild, Scenic and Recreational Rivers System Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes permits 1992-0116 and 0116A in relation to the project site. The terms and conditions of permits 1992-0116 and 0116A 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 2023-0124, issued August 22, 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 the construction of one detached garage on the project site in the location shown on the Site Plan.

The garage shall be no more than 32 feet in height, as measured from the highest point on the structure to the lower of either existing or finished grade. The garage shall not exceed 1600 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any expansion beyond these dimensions shall require prior written Agency authorization.

7. The undertaking of any new land use or development not authorized herein on the project site within one-quarter mile of the East Branch AuSable River shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
8. Construction of any guest cottage or conversion of any structure authorized herein on the project site shall require prior written Agency approval.
9. Any on-site wastewater treatment system on the project site 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 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.

10. 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.
11. 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 Lacy road, the East Branch AuSable River, or adjoining property.
12. All exterior building materials, including roof, siding and trim, of the detached garage shall be a dark shade of green, grey, or brown.
13. Outside of the limits of clearing shown on the Site Plan, 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 a) the removal of trees for firewood, 2) within an area up to 25 feet in width for driveway and utility maintenance, 3) within an area for maintenance of the existing NYSEG line shown on the Site Plan, and 4) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
14. There shall be no more than one principal building located on the project site at any time. The single family dwelling constructed on the property circa 1987 constitutes a principal building.

### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, 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 Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management 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 be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- g. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- h. 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.

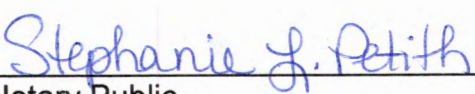
PERMIT issued this 22<sup>nd</sup> day  
of August, 2023.

ADIRONDACK PARK AGENCY

BY:   
David J. Plante  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 22<sup>nd</sup> day of August 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, 20 25

SITE PLAN MAP FOR  
 PROPOSED DETACHED GARAGE  
 AT 379 LACY RD, KEENE, NY  
 44.2-1-47.002

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RECEIVED  
 Date: July 26, 2023

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