


THIS IS A TWO-SIDED DOCUMENT

|   |   |
|---|---|
|  <p><b>Adirondack<br/>Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86<br/>Ray Brook, New York 12977<br/>Tel: (518) 891-4050<br/>www.apa.ny.gov</p> | <p>APA Permit<br/><b>2023-0126</b></p>  |
| <p>In the Matter of the Application of</p> <p><b>ROBERT H. HART, JR., RANDY H. HART<br/>ROBERT H. HART, SR., RENA R. HART<br/>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack<br/>Park Agency Act</p>              | <p>Date Issued: September 19, 2023</p> <p>To the County Clerk: Please index<br/>this permit in the grantor index<br/>under the following names:</p> <ol style="list-style-type: none"><li><b>1. Robert H. Hart, Jr.</b></li><li><b>2. Randy H. Hart</b></li><li><b>3. Robert H. Hart Sr.</b></li><li><b>4. Rena R. Hart</b></li></ol> |

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of AuSable, 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 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 the Resource Management portion of a 152±-acre parcel of land located on Arthur Road and NYS Route 22 in the Town of AuSable, Clinton County, in an area classified Resource Management and Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 304, Block 1, Parcel 25, and is described in a deed from Robert H. Hart, Sr. and Rena R. Hart to Robert H. Hart, Sr. and Rena R. Hart, Robert H. Hart, Jr. and Randy H. Hart, dated December 7, 2018, and recorded January 14, 2019 in the Clinton County Clerk's Office under Instrument Number 2019-00298890.

Wetlands not depicted on the Site Plan may be located on or adjacent to the project site.

The project site is improved by a pre-existing single family dwelling and multiple agricultural use structures.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision to create:

- Lot 1, a 149± acre parcel, located in Resource Management and Low Intensity Use land use areas and containing an existing agriculture use structure with existing well and onsite wastewater treatment system.
- Lot 2, a 3.14± acre parcel, located in a Resource Management land use area and containing a pre-existing single family dwelling and multiple agriculture use buildings.

The project is shown on the following maps:

- A map of survey titled "Hart Subdivision West 2023" (Site Plan), prepared by Adirondack Surveying PLLC, dated March 17, 2023 and received by the Agency on August 7, 2023.

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, a permit is required from the Adirondack Park Agency prior to any subdivision in a Resource Management 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 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 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 2023-0126, issued September 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 Plan. Any subdivision of the project site not depicted on the Site Plan shall require prior written Agency authorization.
6. The construction of any dwelling or other principal building on the project site shall require a new or amended permit.
7. Construction of any guest cottage on Lot 2 shall require prior written Agency approval.
8. Installation of any new on-site wastewater treatment system(s) on Lot 1 shall require prior written Agency approval.
9. There shall be no additional principal buildings on the Resource Management portion of Lot 1.
10. There shall be no principal buildings located on Lot 2 other than the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.

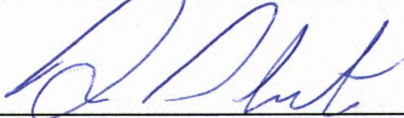
**CONCLUSIONS OF LAW**

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 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 and Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management and Low Intensity Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- 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.

PERMIT issued this 19<sup>th</sup> day of September, 2023.

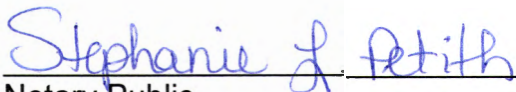
ADIRONDACK PARK AGENCY

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 September, 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

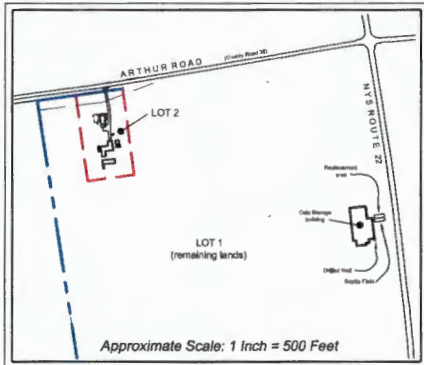
**Map Notes:**

1. Unauthorised alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of section 7209, sub-division 2 of the New York State Education Law.
2. Only copies from the original of this Boundary Survey marked with an original of the Land Surveyor's embossed seal shall be considered valid true copies. (mylar prints shall be stamped with the surveyor's seal with an original signature)
3. Certifications Indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to the persons for whom the Boundary Survey is prepared, to the title company, to the governmental agency, and to the lending institution based on this Boundary Survey map and to the assignees of the lending institution. These certifications are not transferable to additional institutions or subsequent owners.
4. This map may not be used in connection with a "Survey Affidavit" or similar document, statement, or mechanism to obtain title insurance for any subsequent or future grantees.
5. Copyright 2023, Adirondack Surveying PLLC. All rights reserved.
6. The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvement or encroachment exist or are shown, the improvements or encroachments are not covered by this certification.
7. North arrow and bearings based on Grid North - NAD83 NYSP East Zone(3101), NAVD83 (Geoid 03)
8. Building offsets, as shown on this map, are not to be used for construction purposes.
9. Subject to any and all right of ways and easements of record, if any.
10. Survey was performed without the benefit of an Abstract of Title and is subject to any findings one may show or those discoverable by inspection.
11. Assumed road line shown hereon based Reference Maps #1 and #2.
12. Missing property corners were not set as a result of this survey.
13. Parcel is located within the "Resource Management" Adirondack Park Agency Land Use Classification.

**Zoning Information:**

| LOCATION: 425 Arthur Road      |                     |                    |
|--------------------------------|---------------------|--------------------|
| ZONE: RM - Resource Management |                     |                    |
| USE: Single Family Dwelling    |                     |                    |
| ITEM                           | REQUIREMENTS        | EXISTING           |
| AVERAGE LOT SIZE               | 42.7 acres          | 152.6 acres        |
| MINIMUM LOT AREA               | 2 acres             | 3.14 acres         |
| MINIMUM ROAD FRONTAGE          | 100 feet            | 271.81 feet        |
| MINIMUM FRONT SETBACK          | 40 feet             | 137.3 feet         |
| MINIMUM SIDE SETBACK           | 20 feet (each side) | 54 feet / 102 feet |
| MINIMUM REAR SETBACK           | 75 feet             | 78 feet            |
| MAXIMUM BUILDING HEIGHT        | 40 feet             | 1 1/2 story        |
| MAXIMUM LOT COVERAGE           | not applicable      | not applicable     |

**Detail of Lot 1 Septic Area:**



**Reference Deed:**

Robert H. Hart Sr. and Rena R. Hart to Robert H. Hart Sr. and Rena R. Hart, a Life Estate and the remainder interest in property to Robert H. Hart Jr. and Randy H. Hart by deed dated December 07, 2018 and recorded as Instrument #2019-298890 on January 14, 2019 in the Clinton County Clerk's Office [Parcel IV]

**Tax Map Reference:**

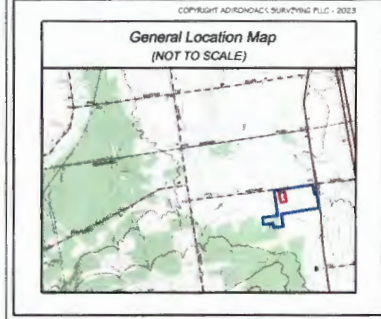
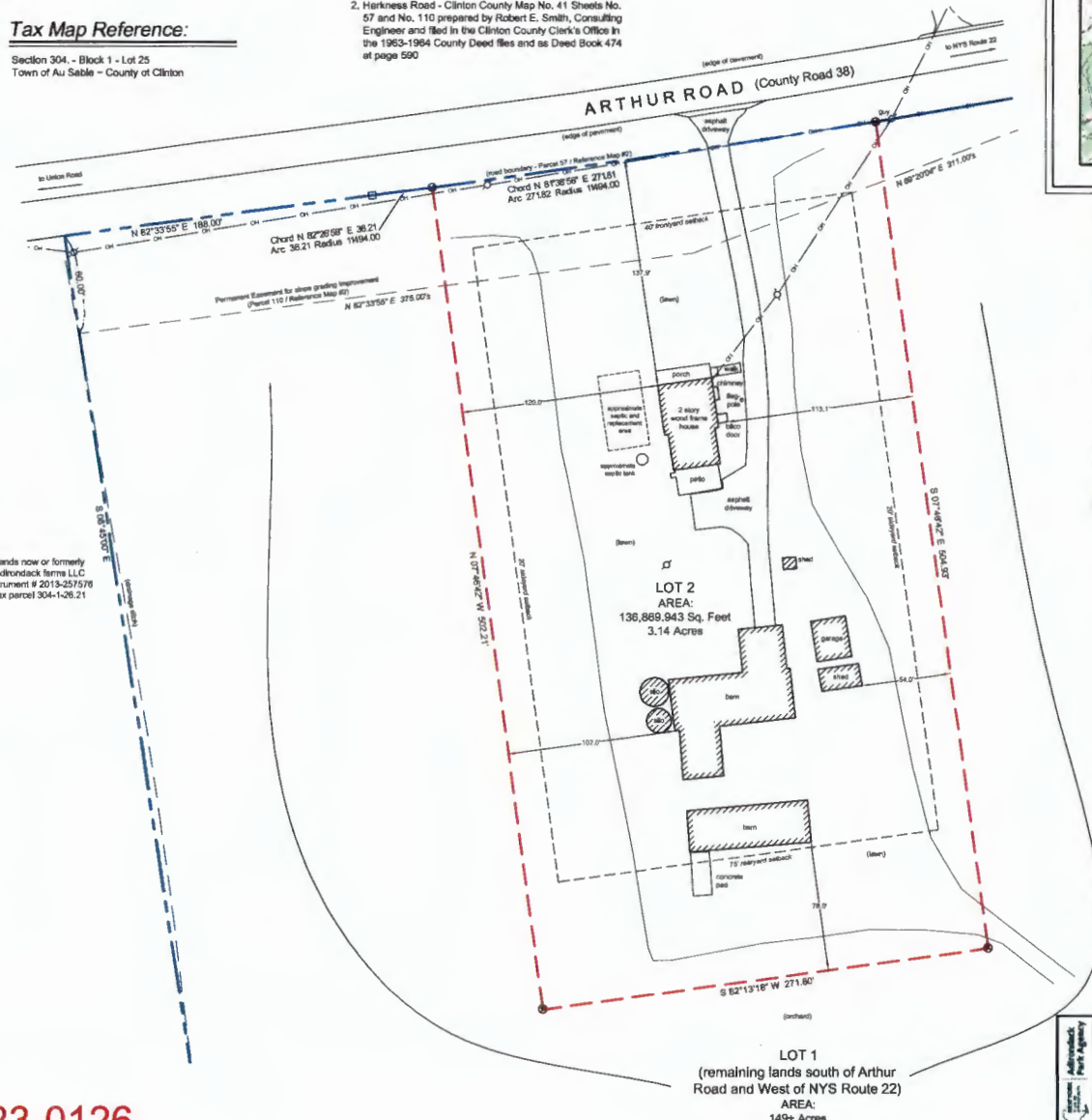
Section 304 - Block 1 - Lot 25  
Town of Au Sable - County of Clinton

**Reference Maps:**

1. Harkness Road - Town of AuSable Plan and Profile - Sheets for Sta. 243+00 to Sta. 256+50 and 259+50 to 275+50 prepared by Robert E. Smith, Consulting Engineer and filed in the Office of Clinton County Highway Department
2. Harkness Road - Clinton County Map No. 41 Sheets No. 57 and No. 110 prepared by Robert E. Smith, Consulting Engineer and filed in the Clinton County Clerk's Office in the 1963-1964 County Deed files and as Deed Book 474 at page 590



Lands now or formerly Adirondack Farms LLC Instrument # 2013-251578 tax parcel 304-1-26.21



**CLINTON COUNTY TREASURER  
PAID TAX CERTIFICATION**

Date: \_\_\_\_\_

Tax Map No.: \_\_\_\_\_

Tax Clerk: \_\_\_\_\_

Clinton County Real Property  
Certifies this subdivision/survey map

Pertains to tax map # \_\_\_\_\_

(signature line)

**ADIRONDACK SURVEYING PLLC**  
PO Box 334  
JAY, NEW YORK 12941  
518.846.7571  
ADKSURVEYING.COM  
INFO@ADKSURVEYING.COM

**Map of Survey**  
of certain lands of  
**ROBERT H. HART SR.  
AND  
RENA R. HART  
LIFE ESTATE**  
and  
**ROBERT H. HART JR.  
RANDY H. HART**  
showing  
**HART SUBDIVISION  
WEST 2023**

- Situate -  
Lots 12 and 13 of Platt's Great Location  
Town of Au Sable  
Clinton County State of New York

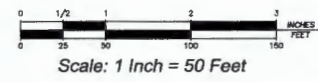
PROJECT SURVEYOR  
Ralph C. Schissler III, L.S.  
NYS License No. 050409

**PRELIMINARY**

**Project No. 2023-0126**  
**ATTACHMENT B**  
**PRELIMINARY**

**Legend:**

- ⊙ 1/8" rebar (5/8" w/ plastic survey cap (to be set))
- ⊙ Found Property Evidence (as described)
- ⊙ Computed corner (nothing found or set)
- ⊙ Water well
- bg Below grade
- ag Above grade
- U Utility pole
- ⚠ Highway monument
- LOT 1 Lot numbers
- Property line
- Proposed property line
- OH Overhead utility line
- Building setback line
- Edge of orchard



Adirondack Park Agency  
FINAL  
P2023-0126  
RECEIVED  
Date: August 7, 2023

|                 |            |   |              |
|-----------------|------------|---|--------------|
| Project No.:    | 2022 - 063 | Scale:  | 1" = 50'     |
| Date of Survey: | 12/01/22   | Drawn by:   | R. Schissler |
| Date of Map:    | 03/17/23   | Checked by:   | R. Schissler |
| Revised:        | 03/17/23   | Changed Map layout to allow for a detail insert to depict Lot 1 septic area |              |