


THIS IS A TWO-SIDED DOCUMENT

 <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>2023-0142</b></p>
<p>In the Matter of the Application of</p> <p><b>KATHY SELKIRK and RYAN L. ABEL</b> <b>Permittees</b></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: August 15, 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"><li><b>1. Kathy Selkirk</b></li><li><b>2. Ryan L. Abel</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision in an area classified Low Intensity Use and Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Benson, 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 Hamilton 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 5.687 acres of land located on Town Barn Road and NYS Route 30 in the Town of Benson, Hamilton County, in an area classified Low Intensity Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 155.017, Block 1, Parcels 9 and 17.112. Parcel 9 is described in a deed from William J. Guyon and Doris K. Guyon to Ryan L. Abel, dated June 29, 2006, and recorded July 7, 2006, in the Hamilton County Clerk's Office at Book 237, Page 363. Parcel 17.112 is described in a deed from Douglas Gregor and Cheryl Gregor to Kathy Selkirk, dated June 4, 2020, and recorded June 18, 2020 in the Hamilton County Clerk's Office under Instrument Number 2020-590.

Parcel 9 is approximately 1.4 acres and is improved by a pre-existing single family dwelling and related development. Parcel 17.112 is an approximately 4.287-acre vacant parcel containing lands within 150 feet of the Main Branch Sacandaga River and West Stony Creek. Parcel 17.112 was created by subdivision as authorized by Agency Permit 2017-0154.

The project site is entirely located within the designated Main Branch Sacandaga River Recreational River Area and partially located within the designated West Stony Creek Recreational River Area. The project site is also partially located within the NYS Route 30 critical environmental area.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of tax parcel 155.017-1-17.112 creating:

- A 3.9-acre vacant lot on Low Intensity Use and Resource Management lands (Lot 1); and
- A 0.387-acre vacant lot (Lot 2) to be merged with adjoining tax parcel 155.017-1-9 to create a 1.787-acre lot on Low Intensity Use lands improved by a pre-existing single family dwelling with related development.

The project is shown on a map titled "Survey Map and Boundary Line Adjustment for Lands of Ryan L. Abel", prepared by Ferguson & Foss Professional Land Surveyors, PC, and dated May 9, 2022 (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 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 conditions in Permit 2017-0154 remain in full force and effect except as amended herein.
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 2023-0142, August 15, 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 Site Plan.
7. 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 155.017-1-9 as a single, un-divided lot. Any future subdivision of this un-divided lot shall require a new or amended permit.
8. The Resource Management portion of Lot 1 shall not be conveyed separately from the Low Intensity Use portion of Lot 1.
9. The undertaking of any new land use or development on the project site within one-quarter mile of the Main Branch Sacandaga River, within one-quarter mile of the West Stony Creek or on Resource Management lands within 300 feet of the right of way of NYS Route 30 shall require a new or amended permit.
10. Pursuant to the Adirondack Park Agency Act and Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act, new structures are prohibited within 150 feet, measured horizontally, of the mean high water mark of the Main Branch Sacandaga River and the West Stony Creek.

Docks and boathouses as defined under 9 NYCRR § 570.3 are excepted from this requirement. Fences, poles, lean-tos, and bridges are also excepted from this requirement, except that no fence, pole, lean-to, or bridge greater than 100 square feet in size may be located within 100 feet of the mean high water mark on Resource Management lands.

11. Within 100 feet of the mean high water mark of the Main Branch Sacandaga River, no trees, shrubs or other woody-stemmed vegetation/trees greater than 4 inches in diameter at breast height may be cut, culled, trimmed, pruned or otherwise removed or disturbed on Lot 1 without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
12. There shall be no more than one principal building located on Lot 1 at any time. The single family dwelling authorized by Permit 2017-0154 constitutes a principal building.
13. There shall be no principal buildings located on the merged property comprised of Lot 2 and tax parcel 155.017-1-9 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 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 Low Intensity 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 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 15<sup>th</sup> day  
of August, 2023.

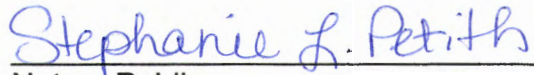
ADIRONDACK PARK AGENCY

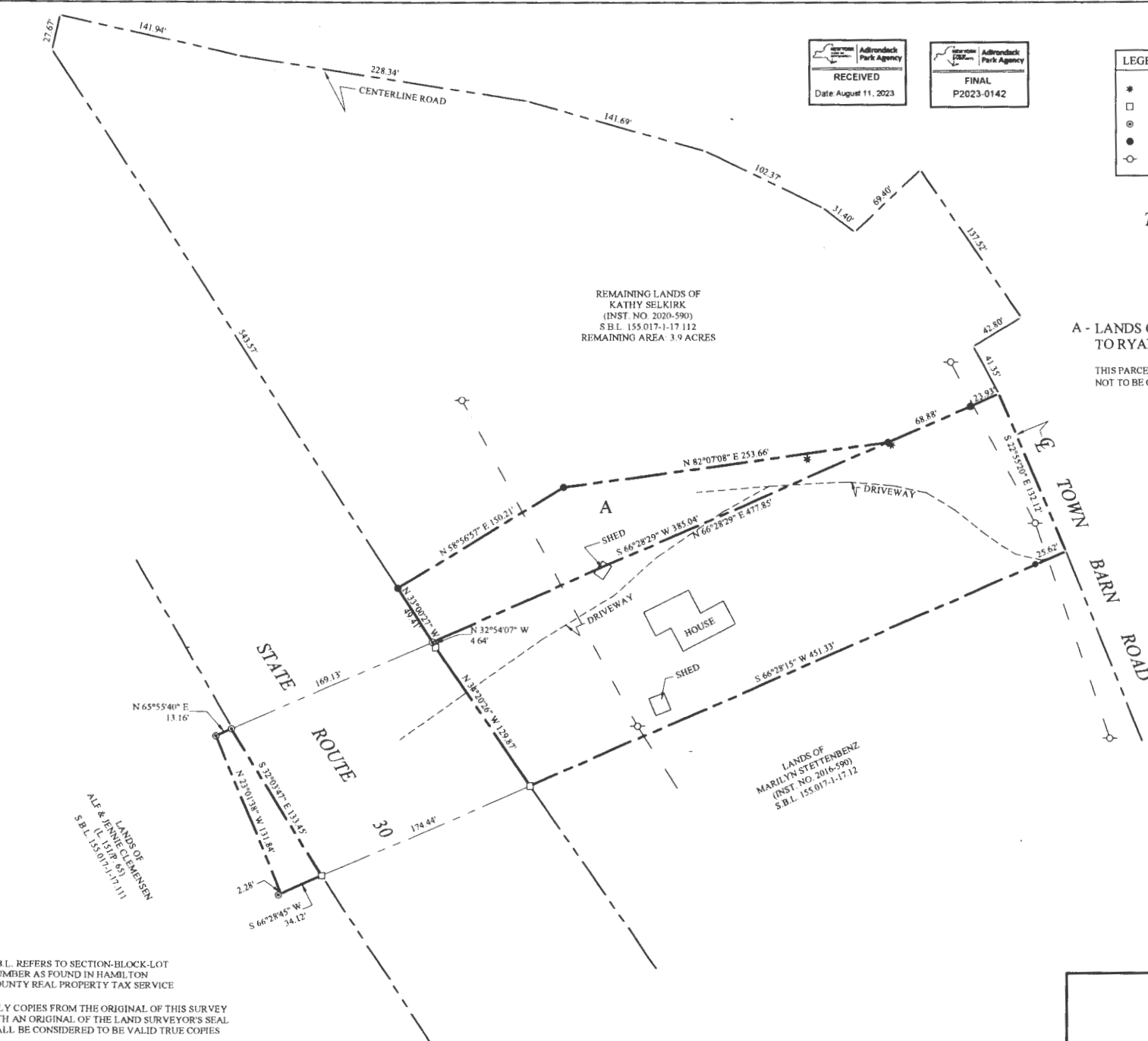
BY:   
David J. Plante, AICP CEP  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 15<sup>th</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.

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 August 11, 2023

FINAL  
P2023-0142

**LEGEND**

- \* TREE
- 4 X 4 MONUMENT
- ⊙ IRON ROD FOUND
- IRON ROD SET
- OVERHEAD UTILITY LINE



**TOTAL AREA: 1.868 ACRES**

REMAINING LANDS OF  
KATHY SELKIRK  
(INST. NO. 2020-590)  
S.B.L. 155.017-1-17.112  
REMAINING AREA: 3.9 ACRES

**A - LANDS OF KATHY SELKIRK TO BE CONVEYED  
TO RYAN L. ABEL AREA: 0.387 ACRES**

THIS PARCEL TO BE COMBINED WITH EXISTING LANDS OF ABEL AND IS  
NOT TO BE CONSIDERED A SEPARATE BUILDING LOT

SURVEY MAP AND BOUNDARY LINE ADJUSTMENT  
FOR LANDS OF

**RYAN L. ABEL**  
(LIBER 237/PAGE 363)  
S.B.L. 155.017-1-9

TOWN OF BENSON  
COUNTY OF HAMILTON  
STATE OF NEW YORK

SCALE: 1" = 50'      MAY 9, 2022

S.B.L. REFERS TO SECTION-BLOCK-LOT  
NUMBER AS FOUND IN HAMILTON  
COUNTY REAL PROPERTY TAX SERVICE

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY  
WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL  
SHALL BE CONSIDERED TO BE VALID TRUE COPIES

UNAUTHORIZED ALTERATION OR ADDITION TO A  
SURVEY MAP BEARING A LICENSED LAND  
SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209-3  
OF THE NEW YORK STATE EDUCATION LAW

<p>J CHRISTOPHER FOSS P.L.S. 50044</p>	<p><b>FERGUSON &amp; FOSS</b> PROFESSIONAL LAND SURVEYORS, PC P.O. BOX 356-JOHNSTOWN, NY 12095 518-762-9997 EMAIL: CHRIS@FERGUSONANDFOSS.COM</p>
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