

THIS IS A TWO-SIDED DOCUMENT



**Adirondack
Park Agency**

P.O. Box 99, 1133 NYS Route 86
Ray Brook, New York 12977
Tel: (518) 891-4050
www.apa.ny.gov

APA Permit
2023-0159

Date Issued: February 5, 2025

In the Matter of the Application of

**RICHARD L. GREENOUGH, DONALD P.
GREENOUGH, AND SUSAN L. RYDER**
Permittees

for a permit pursuant to § 809 of the Adirondack
Park Agency Act and 9 NYCRR Part 578

To the County Clerk: Please index
this permit in the grantor index
under the following name(s):

- 1. Richard L. Greenough**
- 2. Donald P. Greenough**
- 3. Susan L. Ryder**

SUMMARY AND AUTHORIZATION

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

This authorization shall expire unless recorded in the Washington 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 Washington County Clerk's Office. The Agency will consider the project in existence when the permit has been recorded.

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 371±-acre parcel of land located on both sides of NYS Route 22, Cat Den Road, and Crusher Hill Road in the Town of Dresden, Washington County, in an area classified Rural Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 35, Block 1, Parcels 4.1 and 4.2, and is described in a deed from Donald S. Greenough and Mary E. Greenough to Mary E. Greenough, Richard L. Greenough, Donald P. Greenough, and Susan L. Ryder, dated April 18, 2006, and recorded October 3, 2006 in the Washington County Clerk's Office at Book 2241, Page 40.

The project site contains shoreline on "Cat Den Bay" and the "Lake Champlain Narrows" of Lake Champlain and contains deep emergent wetlands associated with Lake Champlain. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site was created in a two-lot subdivision as authorized by Agency Permit 2010-76, and is improved by existing residential and agricultural development, as described in the Building Inventory included in the Project Plans.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a three-lot subdivision of 371± acres, creating a 123±-acre lot (Lot 1), a 140±-acre lot (Lot 2), and a 108±-acre lot (Lot 3), each containing existing residential development as described in the Building Inventory included in the Project Plans. No new land use and development is proposed. The 11.1± acres of Lot 3 located east of the D&H railroad is classified as Resource Management. All remaining lands are classified as Rural Use.

The project is shown on the following maps, plans, and reports (Project Plans):

- A subdivision map titled "Map of a Proposed 3 Lot Subdivision, Lands Now or Formerly of Mary E, Richard L, Donald P. Greenough & Susan L. Ryder," prepared by Darrah Land Surveying, PLLC, and dated September 26, 2024 (Subdivision Map); and
- A one-page inventory titled "Proposed Greenough/Ryder Subdivision Site Identifiers. APA Project #2023-0159," unsigned, received by the Agency on November 8, 2024 (Building Inventory).

A reduced-scale copy of the Subdivision Map 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 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.

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 Washington 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 Project 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, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit supersedes Permit 2010-0076 in relation to the project site. The terms and conditions of Permit 2010-0076 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 2023-0159, issued February 5, 2025, 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 three-lot subdivision as depicted on the Subdivision Map. Any subdivision of the project site not depicted on the Subdivision Map shall require prior written Agency authorization.
7. The undertaking of any new land use or development on the project site within 150 feet of the right of way of NYS Route 22 shall require a new or amended permit.
8. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit.
9. Construction of any guest cottage on the project site shall require prior written Agency authorization.

10. Prior to undertaking construction of any boathouse on the project site, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
11. Prior to undertaking construction of any dock on the project site, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
12. No structures greater than 100 square feet in size shall be constructed within 75 feet, measured horizontally, of the mean high water mark of Cat Den Bay. Boathouses and docks, as defined under 9 NYCRR § 570.3 are excepted from this requirement.
13. No structures greater than 100 square feet in size, shall be constructed within 100 feet, measured horizontally, of the mean high water mark of Lake Champlain. Boathouses and docks, as defined under 9 NYCRR § 570.3 are excepted from this requirement.
14. The undertaking of any activity involving wetlands shall require a new or amended permit.

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 dwelling 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 5th day
of February, 2025.

ADIRONDACK PARK AGENCY

BY: John M. Burth
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 5th day of February in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, 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

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

