


THIS IS A TWO-SIDED DOCUMENT

 <b>Adirondack Park Agency</b>  P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	<b>APA Permit 2023-0195</b>
	Date Issued: November 17, 2023
In the Matter of the Application of  <b>LACY FAMILY LLC CHRISTOPHER J. BROCKMEYER XENIA VON LILIEN-WALDAU</b> Permittees  for a permit pursuant to § 809 of the Adirondack Park Agency Act	To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Lacy Family LLC 2. Christopher J. Brockmeyer 3. Xenia von Lilien-Waldau</b>

**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 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 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 located on Bartlett Road and Clifford Falls Lane 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 includes the following tax parcels:

- 44.3-1-23.100 (67.80 acres);
- 44.-1-12.100 (234.74 acres);
- 44.-1-15.000 (85 acres); and
- 44.-1-16.000 (155.70 acres).

This portion of the project site (Lot 1) is associated with Agency Permits 2014-0158 and 2014-0205 and is described in a deed from BNY Mellon, N.A. to Lacy Family LLC, dated July 28, 2014, and recorded August 4, 2014 in the Essex County Clerk's Office under Instrument Number 2014-3073 at Book 1774, Page 3:

The project site also includes tax parcel 44.3-1-26.000 (5 acres) to be merged with the 10-acre lot authorized herein and is associated with Agency Permit 2000-23. This parcel is described in a deed from Andrew Stephen Kivistik and Julia Hobbs Kivistik to Christopher J. Brockmeyer and Xenia von Lilien-Waldau dated March 24, 2023 and recorded in the Essex County Clerk's Office November 11, 2016.

The project site is partially located within the Sentinel Range Wilderness critical environmental area. The project site also contain wetlands and is bordered on the west by Clifford Brook. Additional wetlands not described herein or depicted on the Survey Map may be located on or adjacent to the project site.

Tax parcels 44.-1-12.100 and 44.3-1-26.000 are each improved by a single family dwelling.

**PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of Lot 1 to create a 10-acre parcel (Lot 3) to be merged with tax parcel 44.3-1-26. No new land use or development is proposed or authorized herein.

The project is shown on a "Map of Limited Survey," prepared by Kevin Hall, P.L.S. and dated October 2, 2023 (Survey Map). A reduced-scale copy of the Survey Map 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 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 map referenced 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 amends and supersedes permits 2014-0158, 2014-0205, and 2000-23 in relation to the project site. The terms and conditions of Permits 2014-0158, 2014-0205, and 2000-23 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 2023-0195, issued November 17, 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 of Lot 1 as depicted on the Survey Map. Any subdivision of the project site not depicted on the Survey Map shall require a new or amended permit.
7. The undertaking of any new land use or development on Lot 1 within one-eighth mile of the Sentinel Range Wilderness shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
8. Within 30 days of conveyance of Lot 3, a new deed shall be filed in the Essex County Clerk's office describing Lot 3 and tax parcel 44.3-1-26.000 as a single, un-divided lot.
9. There shall be no more than one principal building located on the 15-acre parcel comprised of Lot 3 and tax parcel 44.3-1-26.000. The existing single family dwelling located on tax parcel 44.3-1-26.000 constructed in 2005 constitutes a principal building.
10. There shall be no more than 12 principal buildings located on Lot 1, in addition to the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations. The Agency makes no assurances that the maximum development mathematically allowed can be approved. The construction of any additional dwelling or other principal building on Lot 1 shall require a new or amended permit.

**CONCLUSIONS OF LAW**

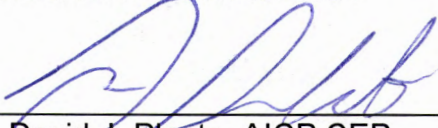
The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision authorized as conditioned herein:

- 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; 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 17<sup>th</sup> day  
of November, 2023.

ADIRONDACK PARK AGENCY

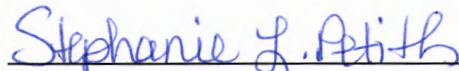
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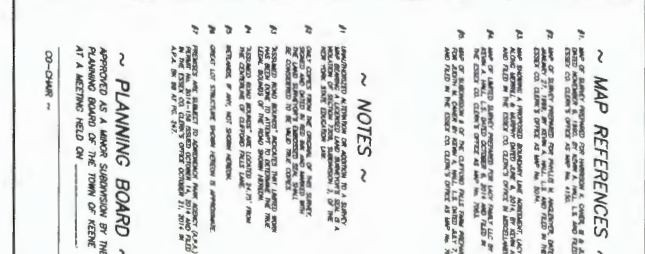
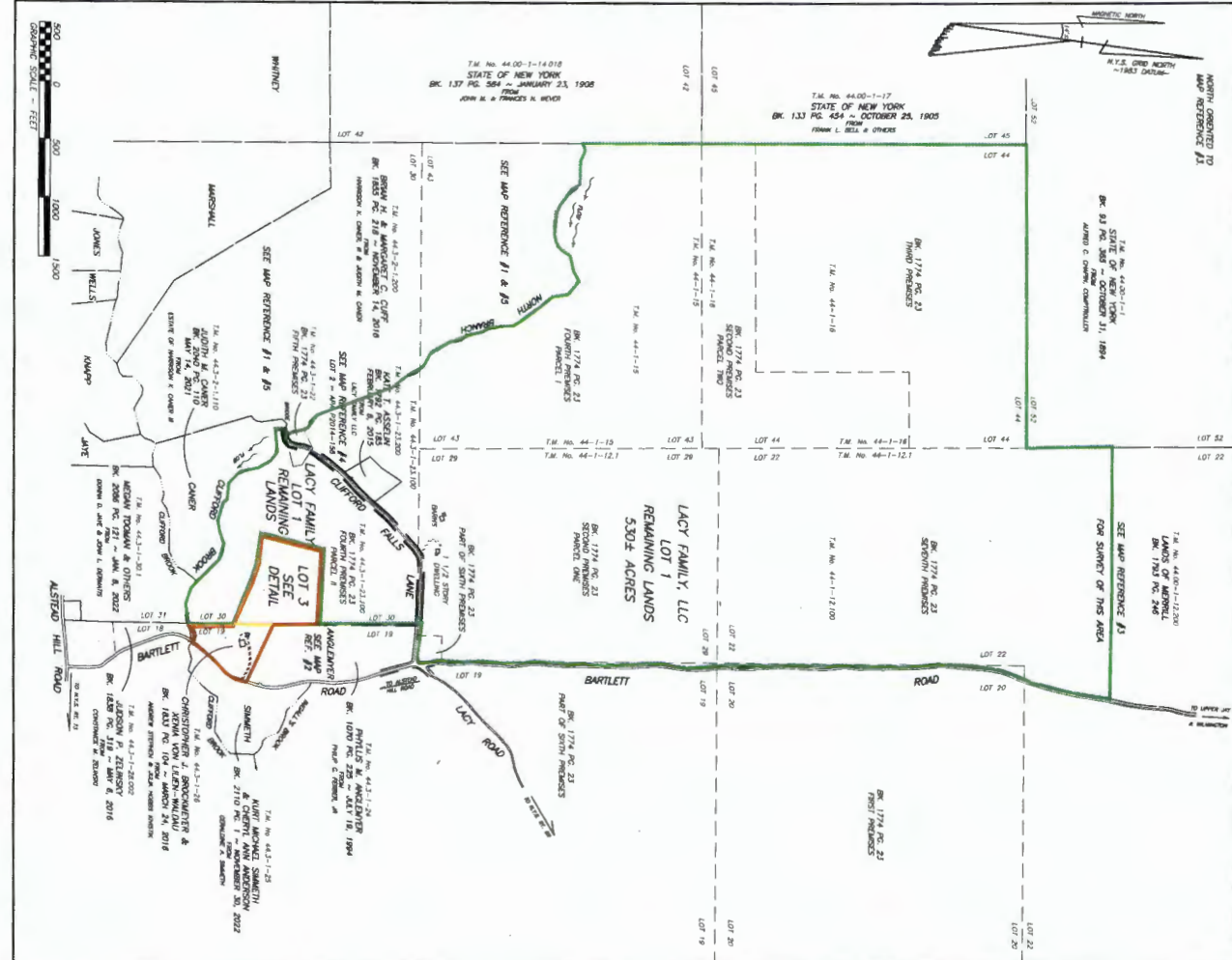
  
David J. Plante, AICP CEP  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 17<sup>th</sup> day of November 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 REFERENCES ~**

#1. PARTIAL MAP REFERENCE TO 1774 PC 21, PARCEL 206, AS SHOWN IN CHANGING FROM SURVEY FOR LACI FAMILY, LLC, 530E ACRES, TOWN OF KEENE, COUNTY OF ESSEX, STATE OF NEW YORK, FILED IN THE ESSAY CO. CLERK'S OFFICE AS MAP NO. 2022 ON MAY 8, 2022, BY JAMES P. GREGG, CLERK.

#2. PARTIAL MAP REFERENCE TO 1774 PC 21, PARCEL 206, AS SHOWN IN CHANGING FROM SURVEY FOR LACI FAMILY, LLC, 530E ACRES, TOWN OF KEENE, COUNTY OF ESSEX, STATE OF NEW YORK, FILED IN THE ESSAY CO. CLERK'S OFFICE AS MAP NO. 2022 ON MAY 8, 2022, BY JAMES P. GREGG, CLERK.

#3. PARTIAL MAP REFERENCE TO 1774 PC 21, PARCEL 206, AS SHOWN IN CHANGING FROM SURVEY FOR LACI FAMILY, LLC, 530E ACRES, TOWN OF KEENE, COUNTY OF ESSEX, STATE OF NEW YORK, FILED IN THE ESSAY CO. CLERK'S OFFICE AS MAP NO. 2022 ON MAY 8, 2022, BY JAMES P. GREGG, CLERK.

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**~ NOTES ~**

#1. ALL INFORMATION ON THIS MAP WAS OBTAINED FROM THE RECORDS OF THE TOWN OF KEENE, COUNTY OF ESSEX, STATE OF NEW YORK, AND FROM THE CLERK'S OFFICE AS SHOWN IN THE MAP REFERENCES.

#2. THIS MAP WAS PREPARED BY CHRISTOPHER J. BROCKMEYER AND XENIA VON LIEN-WALDAU, ENGINEERS, AND WAS CHECKED BY CHRISTOPHER J. BROCKMEYER AND XENIA VON LIEN-WALDAU, ENGINEERS, ON OCTOBER 2, 2023.

#3. THIS MAP IS A PRELIMINARY MAP AND IS NOT TO BE CONSIDERED AS A FINAL MAP. IT IS SUBJECT TO CHANGE WITHOUT NOTICE.

#4. THE CLIENT HAS REPRESENTED THAT ALL INFORMATION IS TRUE AND CORRECT AND THAT THE CLIENT IS NOT PROVIDING ANY INFORMATION THAT IS FALSE OR MISLEADING.

#5. THE CLIENT HAS REPRESENTED THAT ALL INFORMATION IS TRUE AND CORRECT AND THAT THE CLIENT IS NOT PROVIDING ANY INFORMATION THAT IS FALSE OR MISLEADING.

**~ LEGEND ~**

--- BOUNDARY LINE TO BE REMOVED

--- EXISTING BOUNDARY LINE

--- PROPOSED BOUNDARY LINE

--- EXISTING ROAD

--- PROPOSED ROAD

--- EXISTING UTILITIES

--- PROPOSED UTILITIES

**~ PLANNING BOARD ~**

APPROVED AS A MAJOR SUBMISSION BY THE PLANNING BOARD OF THE TOWN OF KEENE AT A PUBLIC HEARING ON OCTOBER 2, 2023

**~ SURVEY ~**

CONDUCTED BY CHRISTOPHER J. BROCKMEYER AND XENIA VON LIEN-WALDAU, ENGINEERS, ON OCTOBER 2, 2023

**~ LEGAL DESCRIPTION ~**

FILED IN THE ESSAY CO. CLERK'S OFFICE AS MAP NO. 2023

**MAP OF LIMITED SURVEY**

PREPARED FOR

**LACY FAMILY LLC**

BY

**CHRISTOPHER J. BROCKMEYER**

AND

**XENIA VON LIEN-WALDAU**

ENGINEERS

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