


THIS IS A TWO-SIDED DOCUMENT

 <p>Adirondack Park Agency</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 2023-0197</p>
<p>In the Matter of the Application of</p> <p>PATRICIA R. CLARK, JASON J. PELKEY, and JAIME L. PELKEY Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: December 14, 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">1. Patricia R. Clark2. Jason J. Pelkey3. Jaime L. Pelkey

SUMMARY AND AUTHORIZATION

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

This authorization shall expire unless recorded in the Franklin 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 Franklin County Clerk's Office. The Agency will consider the project in existence when an authorized lot has been conveyed, or when a new deed has been filed for the authorized lot.

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 1.66±-acre parcel of land located on Earl Road in the Town of Duane, Franklin County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map.

The site is identified as Tax Map Section 230, Block 1, Parcel 7, and is described in a deed from John A. Picciano to Patricia Randolph Clark, dated October 30, 2007, and recorded November 28, 2007 in the Franklin County Clerk's Office at Liber 964, Page 32.

The site is also identified as the Rural Use portion of Tax Map Section 230, Block 1, Parcel 10, and is described in a deed from John Pelkey and Judith Pelkey to Jason J. Pelkey and Jaime L. Pelkey, dated September 8, 2020, and recorded September 9, 2023 in the Franklin County Clerk's Office at Book 2020, Page 3668.

The project site contains shoreline on Eagle Pond and associated shoreline wetlands. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site. The project site is improved by a single family dwelling constructed in 1956.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision to create a 0.70±-acre shoreline lot improved by a single family dwelling (Lot 1) and a 0.90±-acre vacant shoreline lot to be merged with the Rural Use portion of adjoining tax map parcel 230.-1-10 (Lot 2).

The project is shown on a one-sheet sketch, un-titled and un-signed, received by the Agency on November 6, 2023 (Sketch Plan). A reduced-scale copy of the Sketch 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 of Rural Use lands that results in the creation of a shoreline lot smaller than 1.84 acres in size in the Adirondack Park.

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.

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 Franklin 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 2023-0197, issued December 14, 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 Sketch Plan. Any subdivision of the project site not depicted on the Sketch Plan shall require a new or amended permit.
6. Within 30 days of conveyance of the 0.90±-acre lot a new deed shall be filed in the Franklin County Clerk's office describing the 0.90±-acre lot and the Rural Use portion of Tax Map Parcel 230.-1-10 as a single, un-divided lot.
7. The 0.90±-acre lot shall not be conveyed separately from the Rural Use portion of Tax Map Parcel 230.-1-10.
8. Any deed of conveyance for Lot 2 as depicted on the Sketch Plan shall contain an easement providing access to Lot 1 over the easement area shown and described on the Sketch Plan.
9. The construction of any additional dwelling or other principal building 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 Eagle Pond.

13. The undertaking of any activity involving wetlands shall require a new or amended permit. Any new land use or development within 100 feet of wetland boundaries shall require prior written Agency authorization.
14. There shall be no principal buildings located on Lot 1 other than the single family dwelling constructed in 1956 or any replacement structure for this dwelling as allowed by Agency regulations.
15. There shall be no more than one principal building located on Lot 2. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

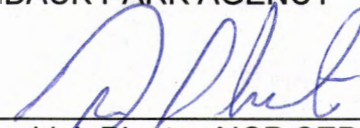
CONCLUSIONS OF LAW

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 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 14th day
of December, 2023.

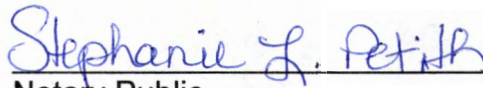
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 14th day of December 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

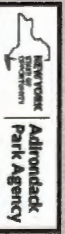

Notary Public



LOT 20

DAVID J. & MOLIA MANNING
LIBER. 552 - PAGE 572
REPORTED OWNER

RECEIVED
Date: December 7, 2023



FINAL
P2023-0197



ANGLE

LAKE

Approx 385'
LOT 21
1/2 9110 Acres

LOT 22
1/2 9110 Acres

CLIFFORD & ANNA MCGUINN
LIBER. 421 - PAGE 482

~~100 ACRES~~

Essential then
Lot #22 to Lot #21

LOT 23

W.F.
WILLIAM GIBBEAL
LIBER. 388 - PAGE 94
REPORTED OWNER

Lot #22 merged
with adjoining
Tax Map Parcel
220-1-10

W.F.
XAM & JUDY DELL
LIBER. 445 - PAGE 3
REPORTED OWNER

