


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <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 2023-0222</p>
<p>In the Matter of the Application of</p> <p>EMPIRE LAND MANAGEMENT LLC Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued: January 25, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Empire Land Management LLC</p>

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 Stratford, Fulton County.

This authorization shall expire unless recorded in the Fulton 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 Fulton 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 a 87.482-acre parcel of land located on County Route 104 in the Town of Startford, Fulton County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 48, Block 1, Parcels 26.1 and 26.22, and is described in a deed from Jack N. Pyle, Jr., as Trustee or Successor Trustee of the Jane H. Malin Irrevocable Trust to Empire Land Management LLC , dated November 28, 2022, and recorded November 29, 2022 in the Fulton County Clerk's Office under Instrument Number 2022-78274.

The project site is partially located within the designated East Canada Creek Scenic River area. The project site also contains wetlands. 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 prior to 1973.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of 85.8-acre tax map parcel 48.-1-26.1 creating:

- a 79.118-acre vacant lot to be merged with adjoining 1.682-acre vacant tax map parcel 48.-1-26.22, resulting in a single 80.8 acre property (Lot 1); and
- a 5.00-acre lot improved a single family dwelling constructed prior to 1973 (Lot 2).

No new land use or development is proposed or authorized for either lot.

The project is shown on a on a map titled "Plat of Survey for Empire Land Management LLC Showing a Minor Subdivision," prepared by Benjamin M. Gallup, P.L.S., dated August 30, 2023 and last revised December 19, 2023 (Site Plan). A reduced-scale copy of the Site Plan 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 Resource Mangement lands located within any designated scenic 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 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 Fulton 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. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted on the Site Plan.
5. Within 30 days of conveyance of Lot 2, a new deed shall be filed in the Fulton County Clerk's office describing Lot 1 as a single, undivided lot. Any future subdivision of this undivided lot shall require a new or amended permit.
6. The undertaking of any new land use or development on the project site within one-quarter mile of the East Canada Creek shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
7. The construction of any dwelling or other principal building on Lot 1 shall require a new permit.
8. Construction of any guest cottage on Lot 2 shall require prior written Agency approval.
9. Pursuant to the Adirondack Park Agency Act and Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act, new structures are prohibited within 250 feet, measured horizontally, of the mean high water mark of the East Canada Creek.

Docks 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.

10. Prior to construction of any on-site wastewater treatment system on Lot 1, written authorization shall be obtained from the Agency for plans prepared by a New York State design professional (licensed engineer or registered architect) that comply with the Agency's Project Guidelines for Residential On-Site Wastewater Treatment, and with Agency standards in 9 NYCRR Appendix Q-4.

Installation of the approved plans shall be under the supervision of a licensed design professional. Within 30 days of complete system installation and prior to utilization,

the design professional shall provide the Agency with written certification that the system was installed in compliance with the Agency authorized plan set.

11. 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.
12. There shall be no more than two principal buildings located on Lot 1. 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 578, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision/s ingle family 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 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;
- 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.

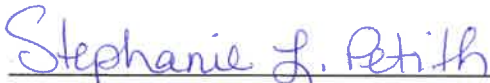
PERMIT issued this 25th day
of January, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

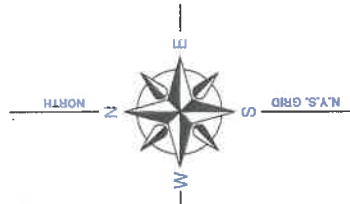
On the 25th day of January in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and 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.


Notary Public

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

Adriatic Park Agency
RECEIVED
 Date: January 2, 2024

Adriatic Park Agency
FINAL
 P2023-0222



REFERENCE MAP

"PLAT OF A SURVEY FOR BERGERON LUMBER CO., INC."
 Revised 30 May 1990. Prepared By Thomas Suring and Engineering
 Filed in the Fulton County Clerk's Office in Plat Book 70, Page 30.

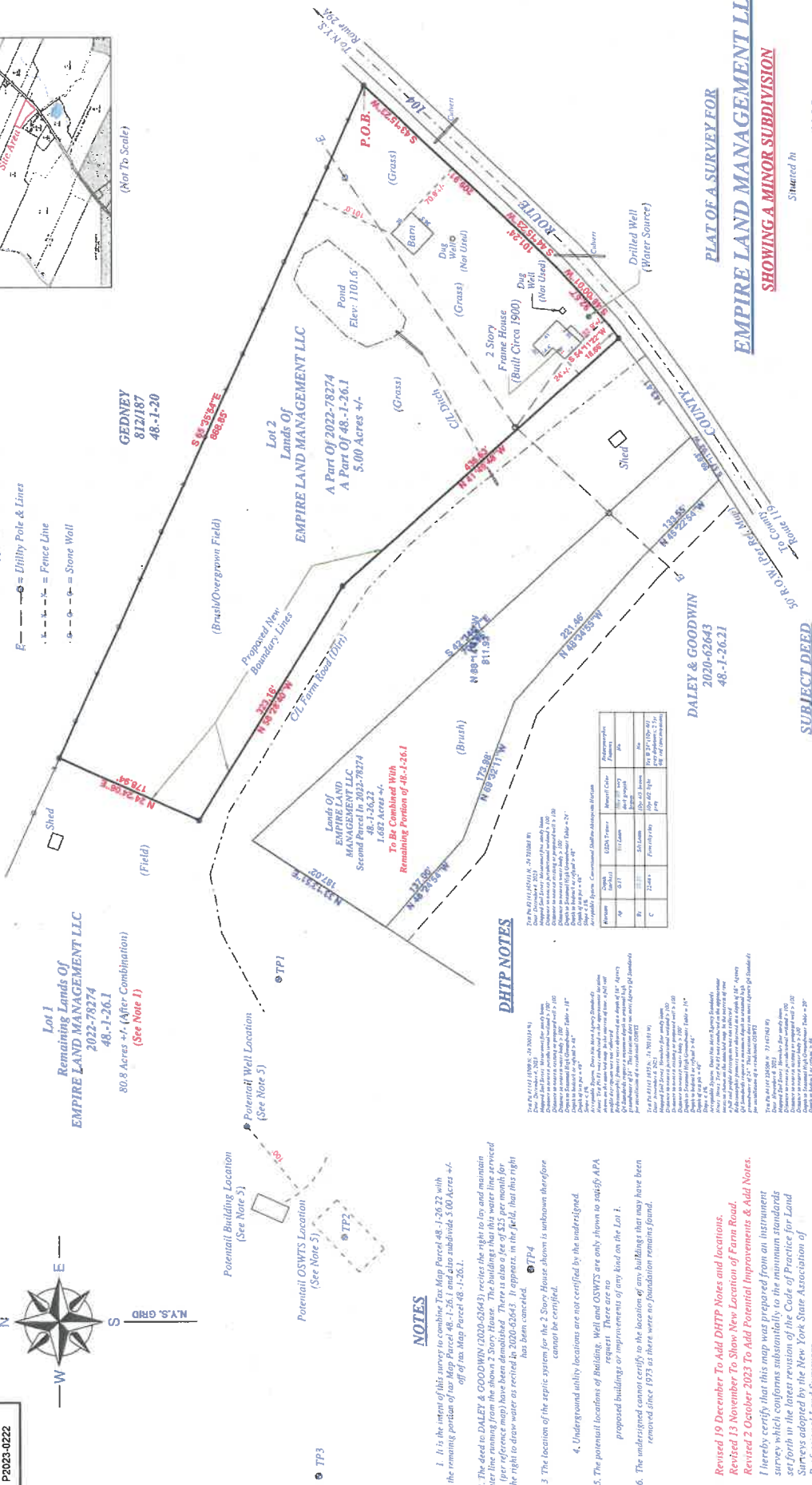
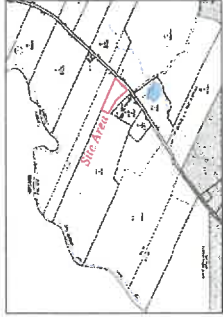
LEGEND

2022-78274 = Instrument Number
 812/187 = Deed Book & Page Number

● = Capped Iron Rod To Be Set

— = Utility Pole & Lines
 - - - = Fence Line
 —●— = Stone Wall

VICINITY MAP



DHTP NOTES

TABLE 1: DHTP (District Home Treatment Plant) DATA

Parameter	Value	Unit	Notes
Flow	2.17	MGD	Estimated flow rate
Volume	21.1	MG	Estimated storage volume
Capacity	21.1	MG	Estimated maximum capacity

TABLE 2: DHTP (District Home Treatment Plant) DATA

Parameter	Value	Unit	Notes
Flow	2.17	MGD	Estimated flow rate
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NOTES

- It is the intent of this survey to combine Tax Map Parcel 48-1-26-22 with the remaining portion of Tax Map Parcel 48-1-26-1 and also subdivide 5.00 Acres +/- off of Tax Map Parcel 48-1-26-1.
- The deed to DALEY & GOODWIN (2020-62643) recites the right to lay and maintain a water line (sewer line) to be located on the right-of-way of the driveway and easement. The right to draw water as recited in 2020-62643. It appears in the field that this right has been conveyed.
- The location of the septic system for the 2 Story House shown is unknown therefore cannot be certified.
- Underground utility locations are not certified by the undersigned.
- The potential locations of building, well and OSWTS are only shown to satisfy APA request. There are no proposed buildings or improvements of any kind on the Lot 1.
- The undersigned cannot certify to the location of any buildings that may have been removed since 1973 as there were no foundation remains found.

Revised 19 December To Add DHTP Notes and Locations.
Revised 13 November To Show New Location of Farm Road.
Revised 2 October To Add Potential Improvements & Add Notes.

I hereby certify that this map was prepared from an instrument survey which conforms substantially to the minimum standards set forth in the latest revision of the Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors.

This Certification is extended to:
EMPIRE LAND MANAGEMENT LLC

SUBJECT DEED
DALEY & GOODWIN
 2020-62643
 48-1-26-21

To
JACK N. PYLE, JR., Trustee of
JANE H. MALIN IRREVOCABLE TRUST

PLAT OF A SURVEY FOR
EMPIRE LAND MANAGEMENT LLC
SHOWING A MINOR SUBDIVISION

Scale: 1" = 80'
 30 August 2023

TOWN OF STRATFORD
 COUNTY OF FULTON
 STATE OF NEW YORK

Prepared By
 BENJAMIN M. GALLUP, P.L.S.
 55 East Main Street, Nelliston, New York, 13410

EMPIRE LAND MANAGEMENT LLC
 28 November 2022
 Instrument Number 2022-78274
 Tax I.D. 48-1-26-1