


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 2023-0229</p>
<p>In the Matter of the Application of</p> <p>JAMES ALLEN Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: February 29, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. James Allen</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 AuSable, Clinton County.

This authorization shall expire unless recorded in the Clinton 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 Clinton 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 118.7±-acre parcel of land located on both sides of Calkins Road in the Town of AuSable, Clinton 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 303, Block 1, Parcel 2.1, and is described in a deed from Ruth Ann Cech to James Allen and Susan Allen (now deceased), dated July 15, 2015, and recorded July 16, 2015 in the Clinton County Clerk's Office under Instrument Number 2015-00272967.

The project site is improved by a pre-existing single-family dwelling served by on-site water supply and an on-site wastewater treatment system, pre-existing barn, four stall open shed, and a storage shed.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the 118.7±-acre project site to create Lot 1, a 115.9±-acre lot improved by a pre-existing barn, and Lot 2, a 2.80±-acre lot improved by a pre-existing single-family dwelling, four-stall open shed, and storage shed. No new land use or development is proposed on either lot.

The 118.7±-acre project site constituted a portion of a larger property (including Town of Ausable Tax Map parcel 303-1-2.2) on the May 22, 1973 enactment date of the Adirondack Park Land Use and Development Plan, and was created by subdivision from this larger property in 1974. As this subdivision occurred on Resource Management lands, it appears that an Agency permit was required for its undertaking. Agency records indicate that no permit was obtained. By issuance of this permit, the 118.7±-acre project site shall be recognized as lawful for Agency purposes.

The project is shown on a Subdivision Map titled "Map Showing Certain Lands to be Set Off from Lands of James Allen Being Allen Subdivision 2023," prepared by Dean H. Lashway, LLS, dated October 30, 2023, last revised December 29, 2023, and received by the Agency on January 9, 2024. A reduced-scale copy of the Subdivision 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 Clinton 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 Subdivision Map 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. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted on the Subdivision Map. Any subdivision of the project site not depicted on the Subdivision Map shall require a new or amended permit.
5. There shall be no more than three principal buildings located on Lot 1. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
6. The construction of any additional dwelling or other principal building on Lot 1 shall require a new or amended permit. The construction of any accessory structure on any of the lots authorized herein shall require prior written Agency authorization.
7. 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 New York State Department of Health's "Wastewater Treatment Standards for Individual Household Systems" (10 NYCRR Appendix 75 A), 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.

8. 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.
9. Construction of any guest cottage on Lot 2 shall require prior written Agency approval.

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/single 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; 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 27th day
of February, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

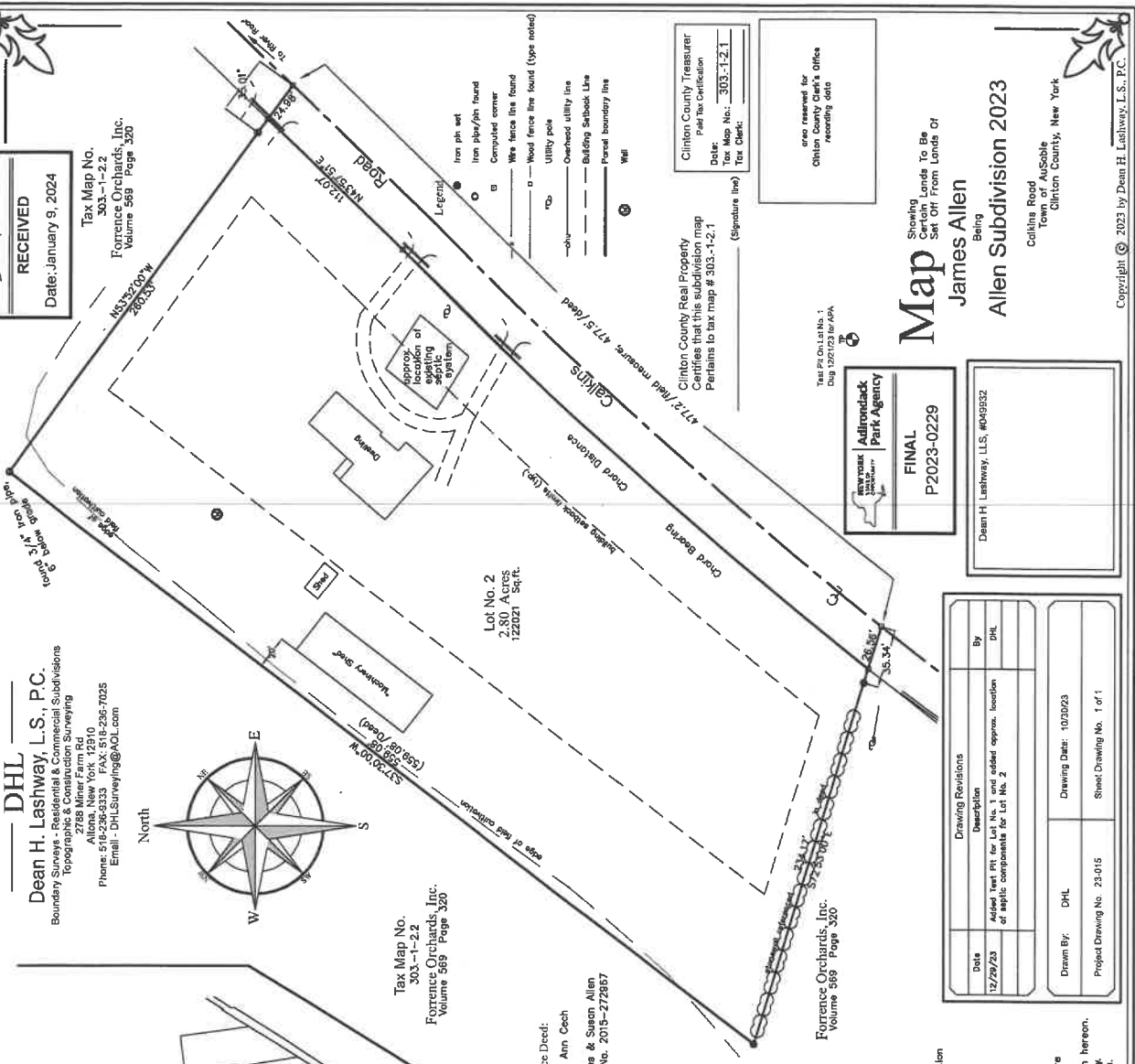
On the 27th day of February in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and 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.

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: January 9, 2024

Adirondack Park Agency
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DHL
Dean H. Lashway, L.S., P.C.
Boundary Surveys - Residential & Commercial Subdivisions
Topographic & Construction Surveying
2788 Miner Farm Rd.
Arlingdale, NY 11702
Phone: 518-238-8333 FAX: 518-236-7025
Email: DHL.Surveying@AOL.com

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Reference Deed:
Ruth Ann Cech
to
James & Susan Allen
File No. 2010-272807

Zoning Dimensional Requirements
Single Family Dwelling
RM Zoning Classification
Minimum Lot Size - 2.0 Ac. (42.7 Av. Lot Size)
Minimum Lot Width - 100 feet
Minimum Front Yard Building Setback - 40 feet
Minimum Side Yard Building Setback - 20 feet
Minimum Rear Yard Building Setback - 75 feet
Maximum Height of Structures - 40 feet

Scale
1" = 800 Feet

GRAPHIC SCALE
(IN FEET)
1 inch = 1 ft.

Legend:
Iron pin set
Iron pipe/pin found
Computed corner
Wire fence line found
Wood fence line found (type noted)
Utility pole
Overhead utility line
Building setback line
Parcel boundary line
Wall

Clinton County Real Property
Certifies that this subdivision map
Pertains to tax map # 303-1-2.1

Clinton County Treasurer
Paid Tax Certification
Date: _____
Tax Map No.: 303-1-2.1
Tax Clerk: _____

area reserved for
Clinton County Clerk's Office
recording date

Test PI On Lot No. 1
Dug 12/21/23 for APA

Adirondack Park Agency
FINAL
P2023-0229

Dean H. Lashway, L.L.S. #049932

Map
Showing Lands To Be
Set Off From Lots Of
James Allen
Allen Subdivision 2023
Being
Calkins Road
Town of Adirondack
Clinton County, New York

Copyright © 2023 by Dean H. Lashway, L.S., P.C.

- Map Notes:**
1. Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of Section 7209, Subdivision 2 of the New York State Education Law.
 2. Only boundary survey maps with the surveyor's embossed seal, with an original and a true copy of the embossed seal, and a true copy of the original and opinion (red) prints shall be stamped with the surveyor's ink seal with an original signature.
 3. The certification listed herein is limited to the persons for whom the boundary survey map is prepared, the title company, the governmental agency and to the lending institution listed on this boundary survey map.
 4. The certifications herein are not transferable.
 5. Copyright © 2023 by Dean H. Lashway, L.S., P.C. All rights reserved.
 6. The location of underground improvements or encroachments are not always known and often must be established. Any underground improvements not covered by this certificate, the improvements or encroachments are not shown hereon.
 7. Location of existing underground utilities or wetlands, if any, are not shown hereon.
 8. Riparian rights, if any, have not been established as a result of this survey.
 9. Subject to any encumbrances of record or those discoverable by inspection.

Date	Description	By
12/29/23	Added Test PI for Lot No. 1 and added approve. location of septic components for Lot No. 2	DHL

Drawn By: DHL	Drawing Date: 10/30/23
Project Drawing No. 23-015	Sheet Drawing No. 1 of 1