


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 2023-0238</p>
<p>In the Matter of the Application of</p> <p>MICHAEL BUSH, KATHLEEN KENNEDY, THEODORE BEAUDET and ANITA LOUISE BEAUDET Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: June 25, 2024</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. Michael Bush2. Kathleen Kennedy3. Theodore Beudet4. Anita Louise Beudet

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Lake Luzerne, Warren County.

This authorization shall expire unless recorded in the Warren 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 Warren County Clerk's Office. The Agency will consider the project in existence when an authorized lot has been conveyed.

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 43± acres of land located on Gailey Hill Road in the Town of Lake Luzerne, Warren County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as:

- Tax Map Section 285, Block 1, Parcel 45, comprised of 40± acres described in a deed from Michael T. Getto to Michael E. Bush and Kathleen A. Kennedy, dated October 27, 2023, and in the Warren County Clerk's Office under Book 6860, Page 177 (Parcel 45); and
- Tax Map Section 285, Block 1, Parcel 47, comprised of 3± acres described in a deed from Marjorie Stewart to Theodore Beaudet and Anita Louise Beaudet, dated June 6, 1995, and recorded in the County Clerk's Office under Book 949, Page 152 (Parcel 47).

Parcel 45 contains wetlands. Additional wetlands not described herein or depicted on the Sketch Plan may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of Parcel 45 to create:

- a ±21-acre lot (Lot 1) and
- a ±9-acre lot (Lot 2).

Lot 2 will be merged with Parcel 47.

The project is shown on the following maps, plans, and reports: A plan received by the Agency on April 23, 2024 (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 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 Warren 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 the Sketch 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. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted on the Sketch Plan. Any subdivision of Parcel 45 not depicted on the Sketch Plan shall require prior written Agency authorization.
5. Within 30 days of conveyance of Lot 2, a new deed shall be filed in the Warren County Clerk's office describing Lot 2 and Parcel 47 as a single, un-divided lot. Any future subdivision of this undivided lot shall require a new or amended permit.
6. Installation of any on-site wastewater treatment system(s) on Lot 2 shall require prior written Agency approval.
7. The undertaking of any activity involving wetlands shall require a new or amended permit.
8. There shall be no more than 10 principal building(s) located on Lot 1. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
9. There shall be no more than three principal building(s) 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, the Freshwater Wetlands Act and 9 NYCRR Part 578 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 Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity 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 25th day
of June, 2024.

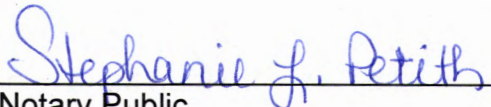
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

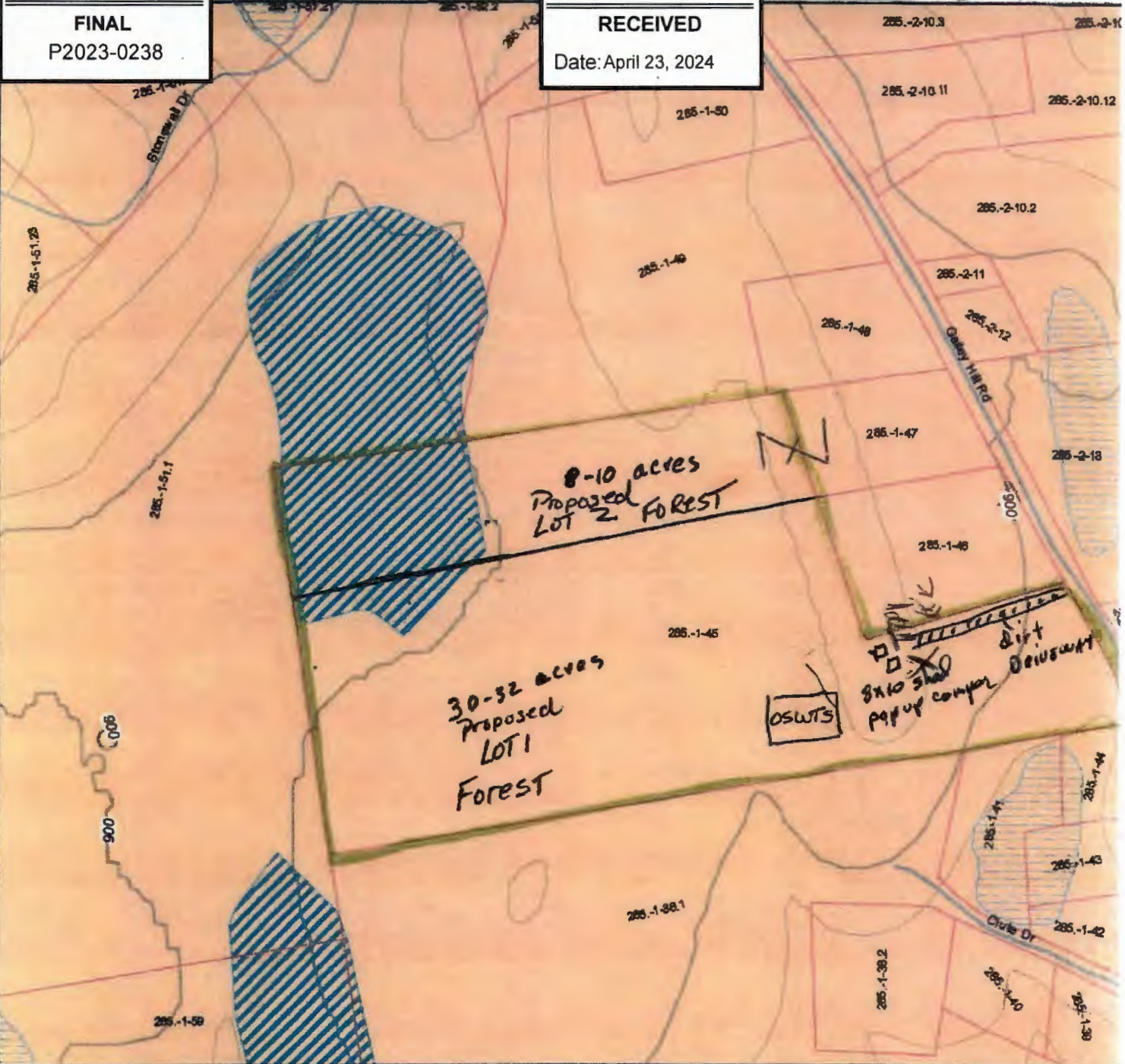
On the 25th day of June in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged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

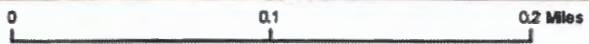

Notary Public

FINAL
P2023-0238

RECEIVED
Date: April 23, 2024



Coordinate System: NAD 1983 UTM Zone 18N
1:9,028



J2023-0980 - Wetlands Map

NYS Adirondack Park Agency

- Parcels
- Low Intensity
- Wetland
- Wetland
- 20 foot contour
- 100 foot contour

ATTACHMENT B
MB 4/23/24
X. Kennedy 4/23/24
HB 4/23/24

