


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 2024-0005</p>
<p>In the Matter of the Application of</p> <p>ROUND LAKE FARM TRUST, WILLIAM DEXTER, DAVID POTSUBAY, AND MICHAEL LEWIS, TRUSTEES; and NORTH COUNTRY SCHOOL, INC. Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: March 7, 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. Round Lake Farm Trust2. William Dexter, Trustee3. David Potsubay, Trustee4. Michael Lewis, Trustee5. North Country School, Inc.

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 North Elba, 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 permittees, 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 permittees 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 consists of 133.72± acres of land and water located on the north and south sides of New York State (NYS) Route 73 in the Town of North Elba, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map (the Subdivision Parcel). These 133.72± acres are identified as two non-contiguous parcels comprised of Tax Map Sections 52.4, Block 1, Parcels 13 and 25, and is described in a deed from Helen L. T. Dexter (Executrix of the Last Will and Testament of Katharine W. Jones) to Round Lake Farm Trust, William Dexter, David Potsubay, and Michael Lewis, Trustees, dated August 18, 1995, and recorded September 1, 1995 in the Essex County Clerk's Office in Book 1095 of Deeds, at Page 38.

For the purpose of merging land, the project site also includes a 196.20±-acre parcel of land and water located on the north side of NYS Route 73 in the Town of North Elba, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map (the Merging Parcel). The 196.20±-acre parcel is identified as Tax Map Section 52.4, Block 1, Parcel 11, and is described in a deed from Leonard Bala, as Administrator of the Estate of Jan C. Travis, formerly known as Chester J. Jankowski, to North Country School, Inc. dated February 28, 2003 which was recorded March 13, 2003 in the Essex County Clerk's Office in Liber 1354 of Deeds at Page 74.

The project site is partially located within 150 feet of the edge of right-of-way of NYS Route 73, a statutorily designated Highway Critical Environmental Area (CEA). In addition, the project site contains wetlands associated with Mud Pond, located on Parcel 25 and to the south of NYS Route 73, and associated with streams, located on Parcel 13 on both sides of NYS Route 73. Additional wetlands not described herein or depicted on the Survey may be located on or adjacent to the project site.

The 133.72±-acre portion of the project site (the Subdivision Parcel) is improved by a pre-existing single-family dwelling with on-site water supply and on-site wastewater treatment system located south of NYS Route 73 on Tax Map Parcel 52.4-1-13.

The 196.20±-acre portion of the project site (the Merging Parcel) is improved by the campus of the North Country School and Camp Treetops, a private school and summer children's camp, respectively.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of 133.72± acres (the Subdivision Parcel) to create a vacant 15.77±-acre lot to be conveyed and merged with adjoining lands (the Merging Parcel) and a 117.9±-acre lot containing existing residential development to be retained. The 15.77±-acre lot is the portion of Tax Map Parcel 52.4-1-25 located north of NYS Route 73. The 117.9±-acre lot is the portion of Tax Map Parcel 52.4-1-25 located south of NYS Route 73 (41.38± acres) and the entirety of Tax Map Parcel 52.4-1-13 (76.57± acres).

The project is shown on a Survey titled "Map of Survey Showing a Two (2) Lot Subdivision of Certain Lands of Round Lake Farm Trust," prepared by Robert M. Marvin, Jr., Land Surveyor, dated December 22, 2023, and received by the Agency on

January 8, 2024. The Survey does not show Tax Map Parcel 52.4-1-13 (76.57± acres) or Tax Map Parcel 52.4-1-11 (196.20± acres). A reduced-scale copy of the Survey 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 within 150 feet of the edge of the right-of-way of any state highway 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 permittees, 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 Survey shall be furnished by the permittees to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittees 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 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 2024-0005, issued March 7, 2024, 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 Survey. Any subdivision not depicted on the Survey shall require prior written Agency authorization.
6. The 41.38±-acre portion of Town of North Elba Tax Map Parcel 52.4-1-25 shall not be conveyed separately from the 76.57± acres of Town of North Elba Tax Map Parcel 52.4-1-13 without a new or amended permit.
7. Within 30 days of conveyance of the 15.77±-acre lot, a new deed shall be filed in the Essex County Clerk's office describing the 15.77±-acre lot and adjoining Town of North Elba Tax Map Parcel 52.4-1-11 (the Merging Parcel) as a single, un-divided lot.

8. The undertaking of any new land use or development within 150 feet of the right of way of NYS Route 73 shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
9. There shall be no more than eleven principal buildings located on the 117.9±-acre lot, 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.
10. There shall be no more than two principal buildings located on the 15.77±-acre lot. 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; 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 7th day
of March, 2024.

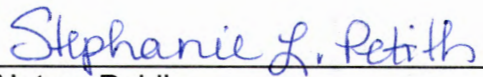
ADIRONDACK PARK AGENCY

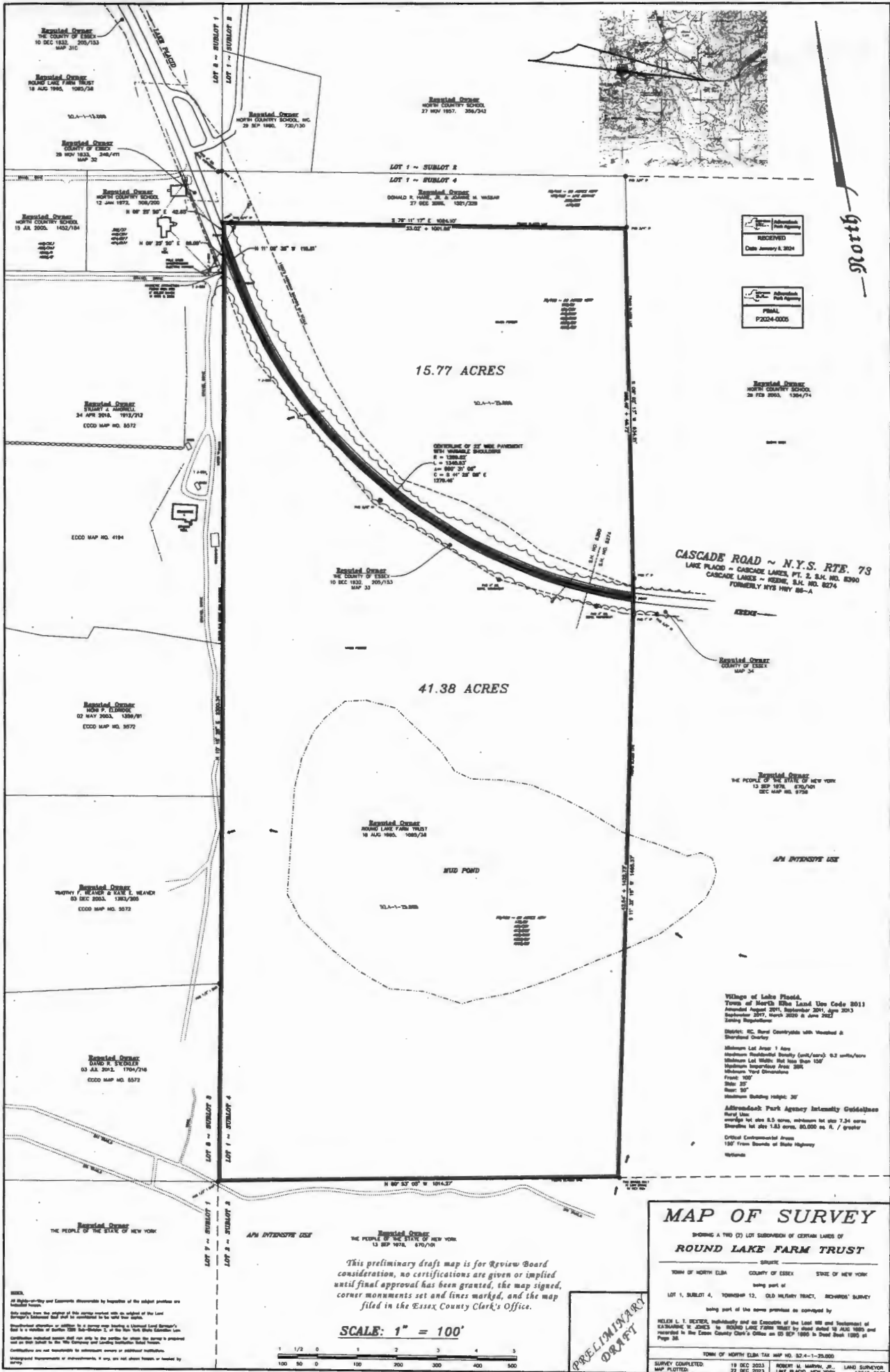
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 7th day of March 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



North

RECEIVED
Date January 4, 2024

PSIAL
P2024-0025

CASCADE ROAD ~ N.Y.S. RTE. 79
LAKE PLACID - CASCADE LAKES, PT. 2, S.H. NO. 8290
CASCADE LAKES - KEENE, S.H. NO. 8274
FORMERLY NY'S HWY 88-A

15.77 ACRES

41.38 ACRES

MUD POND

Village of Lake Placid
Town of North Elba Land Use Code 2011
Amended August 2011, September 2011, June 2013
September 2017, March 2020 & June 2022
Zoning Regulations
SHOWN: EC, Rural Countrywide with Wooded & Shaded Overlay
Minimum Lot Area: 1 Acre
Minimum Residential Density (min./acre): 0.2 units/acre
Minimum Lot Width: Not less than 100'
Minimum Impervious Area: 20%
Minimum Yard Dimensions:
Front: 100'
Side: 25'
Rear: 50'
Minimum Building setback: 20'
Adirondack Park Agency Intensity Guidelines
Rural Use:
minimum lot size 8.5 acres, minimum lot size 7.24 acres
Shaded lot size 1.83 acres, 80,000 sq. ft. / greater
Official Environmental Form
150' From Route of State Highway
NY State

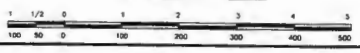
MAP OF SURVEY

SHOWING A TWO (2) LOT SUBDIVISION OF CERTAIN LAKES OF
ROUND LAKE FARM TRUST

TOWN OF NORTH ELBA COUNTY OF ESSEX STATE OF NEW YORK
being part of
LOT 1, SUBLOT 4, TOWNSHIP 12, OLD HURLEY TRACT, BROWN'S SURVEY
being part of the same premises as conveyed by
HELEN L. I. DELVEY, individually and as Co-trustee of the Last Will and Testament of
KATHARINE M. JONES to ROUND LAKE FARM TRUST by deed dated 18 AUG 1950 and
recorded in the Essex County Clerk's Office on 22 SEP 1950 in Deed Book 1200 at
Page 26.
TOWN OF NORTH ELBA TAX MAP NO. 32-4-1-25-000
SURVEY COMPLETED: 19 DEC 2023 ROBERT M. WATSON, JR., LAND SURVEYOR
MAP PLOTTED: 27 DEC 2023 LAKE PLACID, NEW YORK 12848-0820

This preliminary draft map is for Review Board consideration, no certifications are given or implied until final approval has been granted, the map signed, corner monuments set and lines marked, and the map filed in the Essex County Clerk's Office.

SCALE: 1" = 100'



PRELIMINARY DRAFT

NOTES:
1. The Surveyor and Engineer are not responsible for the accuracy of the data provided to them.
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