


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 2024-0037</p>
	<p>Date Issued: April 16, 2024</p>
<p>In the Matter of the Application of</p> <p>LAKEVIEW AVE ACRES, LLC and JOHN E. BROOKS Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</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. Lakeview Ave Acres, LLC2. John E. Brooks

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision in an area classified Rural Use and Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Moriah, 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 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 consists of two parcels of land, as follows:

- A 101.7±-acre parcel of land located on both sides of Lakeview Avenue in the Town of Moriah, Essex County, in an area classified Rural Use and Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The 101.7±-acre parcel is identified as Tax Map Section 107.10, Block 1, Parcel 1.211, and is described in a deed from John F. Evens to Lakeview Ave Acres, LLC, dated October 27, 2022, and recorded October 27, 2022 in the Essex County Clerk's Office under Instrument Number 2022-5173.
- A 1.4±-acre parcel of land located on the east side of Lakeview Avenue in the Town of Moriah, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The 1.4±-acre parcel is identified as Tax Map Section 107.6, Block 1, Parcel 12, and is described in a deed from John E. Brooks and Brenda B. Brooks to John E. Brooks, dated April 29, 1999, and recorded May 10, 1999 in the Essex County Clerk's Office at Book 1209, Page 230 (Brooks Lot).

The 101.7±-acre parcel is improved by two barns located in the Rural Use land use area and one single family dwelling located in the Low Intensity Use land use area. The 1.4±-acre parcel (the Brooks Lot) is improved by a single family dwelling, garage/workshop, and multiple sheds.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision, creating a vacant 1.7±-acre lot (Lot 1) to be merged with an adjoining 1.4±-acre lot (Brooks Lot) and a 100±-acre lot with existing development (Lot 2) to be retained.

The project is shown on the following maps, plans, and reports: "Survey Map Showing Certain Lands of John E. Brooks by Virtue of Deed Liber 1209 at Page 230 and a Portion of Certain Lands of Lakeview Ave Acres, LLC to be Conveyed to John E. Brooks," prepared by Pawlowski Land Surveying, and dated January 5, 2024 (Site Plan). A reduced-scale copy of the Site 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 non-shoreline lot smaller than 7.35 acres in size 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 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 2024-0037, issued April 16, 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 Site Plan. Any subdivision not depicted on the Site Plan shall require a new or amended permit.
6. Within 30 days of conveyance of Lot 1, a new deed shall be filed in the Essex County Clerk's office describing Lot 1 and the Brooks Lot as a single, un-divided lot.
7. The Rural Use portion of Lot 2 shall not be conveyed separately from the Low Intensity Use portion of Lot 2 without a new or amended Agency permit.
8. There shall be no principal buildings located on the Brooks Lot or Lot 1 other than the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.
9. There shall be no more than one principal building located on the 10.8±-acre Rural Use portion of Lot 2. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
10. There shall be no more than 28 principal buildings located on the 89.2±-acre Low Intensity Use portion of Lot 2, 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.

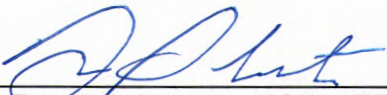
CONCLUSIONS OF LAW

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 and Low Intensity Use land use areas;
- c. will be consistent with the overall intensity guidelines for the Rural Use and Low Intensity Use land use areas;
- 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 16th day of April, 2024.

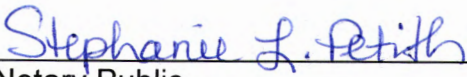
ADIRONDACK PARK AGENCY

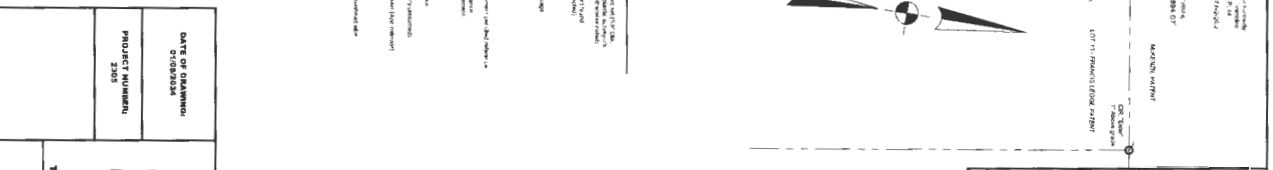
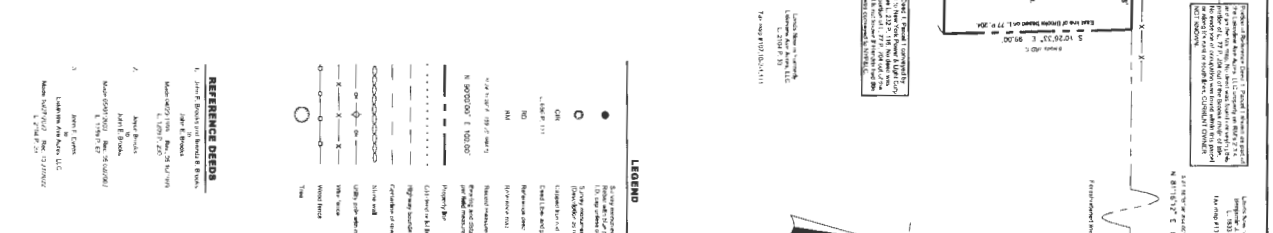
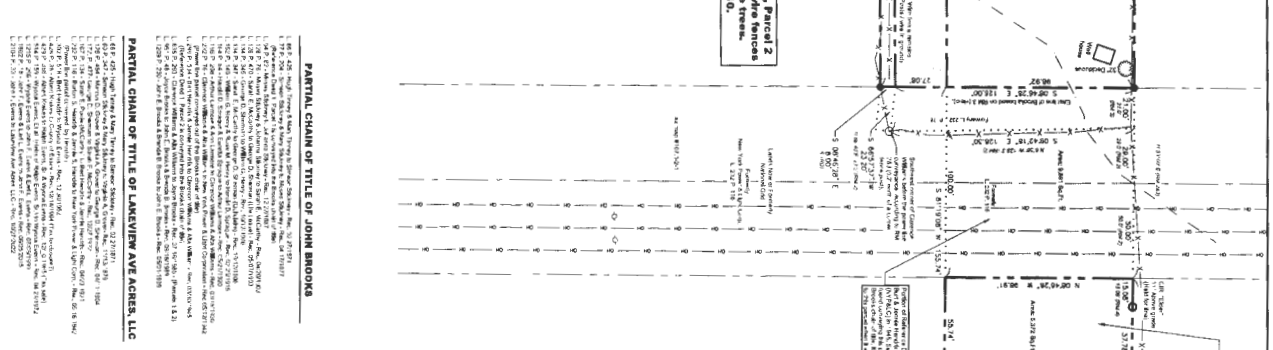
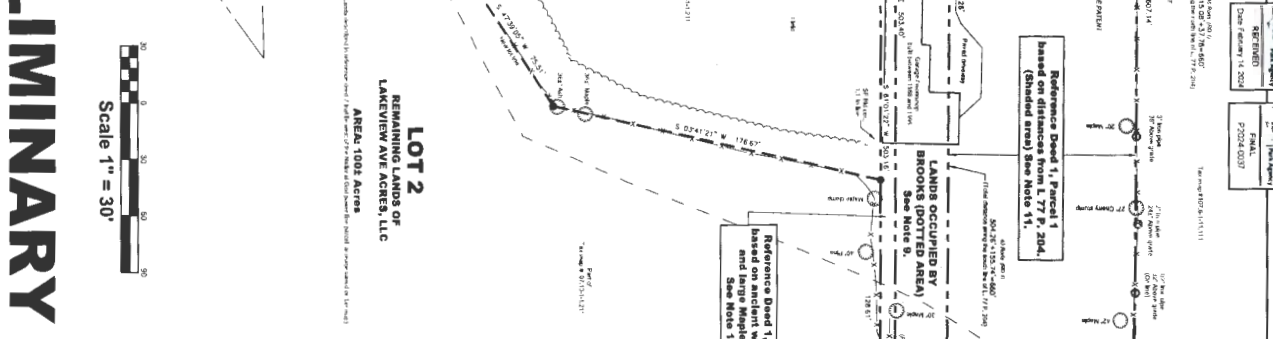
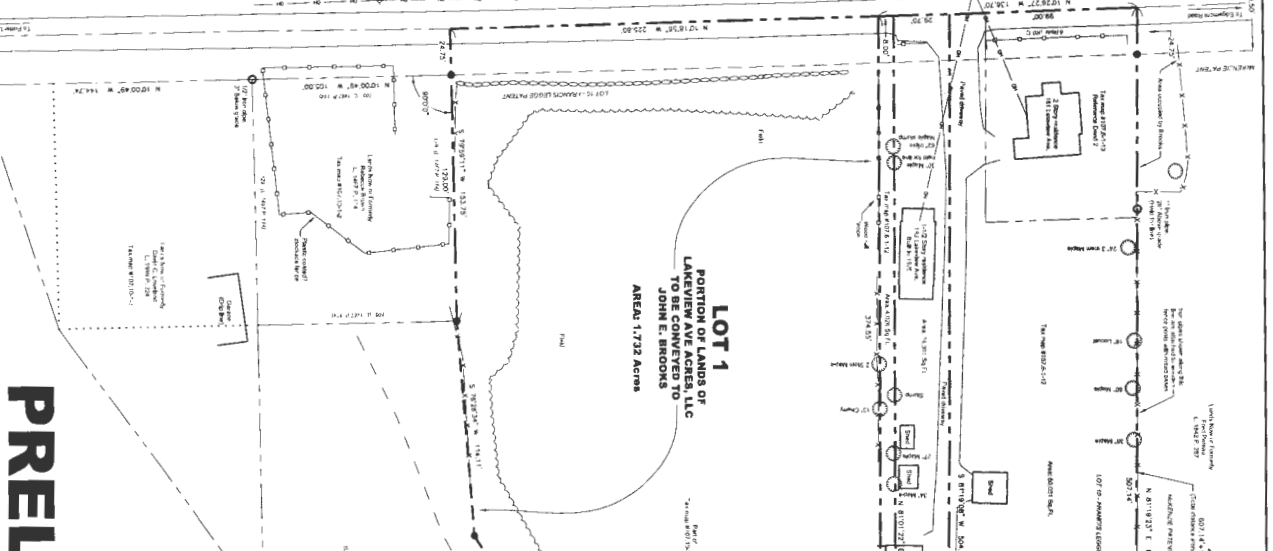
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 16th day of April 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



SURVEY MAP
SHOWING CERTAIN LANDS OF
JOHN E. BROOKS
BY VIRTUE OF DEED LIBER 1288 AT PAGE 230
LAKEVIEW AVE ACRES, LLC
JOHN E. BROOKS

DATY SIDE OF LAKEVIEW AVENUE
TOWN OF ARDEN, BERK COUNTY, NEW YORK

PAWLOWSKI
LAND SURVEYING

1100 N. 10TH ST., SUITE 200
ROCHESTER, NY 14620
TEL: 716.243.1111
WWW.PAWLOWSKISURVEYING.COM

DATE OF DRAWING: 07/28/2024

PROJECT NUMBER: 2024

DATE OF RECORDING: 08/14/2024

LIBER AND PAGE: 1288 AT PAGE 230

DEED NUMBER: 1288 AT PAGE 230

DEED DATE: 07/28/2024

DEED PARTIES: JOHN E. BROOKS, LAKEVIEW AVE ACRES, LLC

DEED INSTRUMENT: DEED

DEED BOOK AND PAGE: 1288 AT PAGE 230

DEED COUNTY: BERK COUNTY, NEW YORK

DEED STATE: NEW YORK

DEED COUNTY: BERK COUNTY, NEW YORK

DEED STATE: NEW YORK

DEED COUNTY: BERK COUNTY, NEW YORK

DEED STATE: NEW YORK

DEED COUNTY: BERK COUNTY, NEW YORK

DEED STATE: NEW YORK