


THIS IS A TWO-SIDED DOCUMENT

 <p><b>Adirondack Park Agency</b></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 <b>2024-0041</b></p>
<p>In the Matter of the Application of</p> <p><b>STEPHEN BARTLETT, MELISSA KNUDSON, and CAROL A. MORLEY</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: December 5, 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"><li><b>1. Stephen Bartlett</b></li><li><b>2. Melissa Knudson</b></li><li><b>3. Carol A. Morley</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a construction of a single family dwelling in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Keene, 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 the foundation of the dwelling is completed.

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 4.42±-acre parcel of land located on both sides of State Route 73 in the Town of Keene, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 53.6, Block 1, Parcel 7, and is described in a deed from Charles P. Marshall and Joyce H. Marshall to Lester A. Sampath and Carol A. Morley, dated March 17, 1981, and recorded April 15, 1991 in the Essex County Clerk's Office in Book 729 of Deeds, at Page 186.

The project site is partially located within 1/8 mile of lands of the State of New York designated Wilderness which are part of the Sentinel Range Wilderness area and partially located within 150 feet of the edge of the right-of-way of NYS Route 73.

The project site was created as one of the lots in a two-lot subdivision authorized by Agency Permit 1977-0145 (for Project 1977-0170), and contains the remains of a pre-existing single family dwelling located within the footprint of the proposed driveway.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of one new single family dwelling with on-site water supply, an on-site wastewater treatment system, detached garage, storage shed, and sauna. The proposed development will be served by a new gravel driveway originating from NYS Route 73. The dwelling authorized herein replaces the pre-existing single family dwelling identified in Agency Permit 1977-0145 (for Project 1977-170), in a different location.

The project is shown on the following (Project Plans):

- Four sheets of plans prepared by Winchip Engineering:
  - Sheet ST-001 (Overall Site Plan) titled "Bartlett Residence; Tax Map #53.6-1-7; Overall Site Plan; Town of Keene, Essex County, NY," dated October 25, 2023, last revised September 26, 2024, and received by the Agency on September 27, 2024;
  - Sheet ST-002 (Detailed Site Plan) titled "Bartlett Residence; Tax Map #53.6-1-7; Detailed Site Plan; Town of Keene, Essex County, NY," dated October 25, 2023, last revised September 26, 2024, and received by the Agency on September 27, 2024;
  - Sheet ST-003 (Water and Wastewater Details) titled "Bartlett Residence; Tax Map #53.6-1-7; Water and Wastewater Details; Town of Keene, Essex County, NY," dated December 15, 2023, last revised September 26, 2024, and received by the Agency on September 27, 2024; and
  - Sheet ST-004 (Site Details) titled "Bartlett Residence; Tax Map #53.6-1-7; Site Details; Town of Keene, Essex County, NY," dated December 15, 2023, last revised January 12, 2024, and received by the Agency on September 27, 2024.

A reduced-scale copy of Sheet ST-001 (Overall Site Plan) of the Project Plans 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 the construction of any single family dwelling on Rural Use lands within 150 feet of the edge of the right-of-way of any state highway in the Adirondack Park and within 1/8 mile of lands of the State of New York designated Wilderness.

This permit amends Condition 7 of Permit 1977-0170.

## **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, for as long as the dwelling remains on the site. Copies of this permit and all Project Plans 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. This permit amends and supersedes Permit 1977-0145 (for Project 1977-0170) in relation to the project site. The terms and conditions of Permit 1977-0145 shall no longer apply to the project site.
5. 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 2024-0041, issued December 5, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling, detached garage, storage shed, and sauna on the project site in the locations and footprints shown and as described on the Overall Site Plan. Any change to the locations or footprints of any authorized structure shall require prior written Agency authorization.
7. The single family dwelling shall be no more than 32 feet in height, the detached garage shall be no more than 20 feet in height, and the storage shed and saunda shall be no more than 12 feet in height. Height shall be measured from the highest point on the structure, to the lower of either existing or finished grade. Any expansion beyond these dimensions shall require prior written Agency authorization.

8. The undertaking of any new land use or development on the project site within 150 feet of the right of way of NYS Route 73 and/or within 1/8 mile of the Sentinel Range Wilderness area 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 additional principal buildings located on the project site other than the dwelling authorized herein.
10. Construction of any guest cottage on the project site shall require prior written Agency approval.
11. Any on-site wastewater treatment system on the project site installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the Project Plans. Construction of the system shall be supervised by a New York State design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

12. The project shall be undertaken in compliance with the Erosion and Sediment Control measures shown on the Project Plans.
13. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
14. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward NYS Route 73 or adjoining property.
15. All exterior building materials, including roof, siding and trim, of any structure on the project site shall be a dark shade of green, grey, or brown.
16. Outside of the limits of clearing shown on the Project Plans, no trees, shrubs or other woody-stemmed vegetation greater than 4 inches in diameter at breast height may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for a) the removal of trees for firewood from the area north of the overhead utility line and b) the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

**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 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 5<sup>th</sup> day  
of December, 2024.

ADIRONDACK PARK AGENCY

BY: Ariel Lynch  
Ariel Lynch  
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 5<sup>th</sup> day of December in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Ariel Lynch, 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. 01FEB279890  
Qualified in Franklin County  
Commission Expires April 15, 2025

Stephanie L. Petith  
Notary Public

