


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 2024-0044A</p>
<p>In the Matter of the Application of</p> <p>TIMOTHY G. VAN NOSTRAND, NANCY VAN NOSTRAND, KENT SMITH , and PATRICIA PURTELL Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: July 18, 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. Timothy G. Van Nostrand2. Nancy Van Nostrand3. Kent Smith4. Patricia Purtell

This permit supersedes Permit 2024-0044, issued by the Agency on April 16, 2024.

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 Hope, Hamilton County.

This authorization shall expire unless recorded in the Hamilton 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 Hamilton 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 19.6± acres of land, as follows:

- The 9.5±-acre Rural Use parcel of land located on the west side of Maple Grove Road in the Town of Hope, Hamilton County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The 9.5±-acre parcel is identified as Tax Map Section 155.020, Block 1, Parcel 4.110, and is described in a deed from Timothy G. Vannostrand and Pamela Vannostrand, to Timothy G. Van Nostrand and Nancy Van Nostrand, dated August 24, 2022, and recorded September 2, 2022 in the Hamilton County Clerk's Office under Instrument Number 2022-1233 (Van Nostrand Parcel).
- The 10.10±-acre parcel of land located on the east side of Maple Grove Road in the Town of Hope, Hamilton 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 155.016, Block 1, Parcel 7.200, and is described in a deed from Vincent Chiappinelli and Marlene C. Chiappinelli to Kent Smith and Patricia Purtell, dated August 2, 2002, and recorded August 19, 2002 in the Hamilton County Clerk's Office at Book 226, Page 912 (Smith Parcel).

The project site is improved by:

- a single family dwelling with associated on-site wastewater treatment system, a detached garage, and shed on the Van Nostrand Parcel (on subdivision Lot 1);
- a garage and a shed on the Van Nostrand Parcel (on subdivision Lot 2); and
- a single family dwelling with associated on-site wastewater treatment system on the Smith Parcel.

The project site was created as "Lot 4.1" in a two-lot subdivision for the purpose of a boundary line adjustment as authorized by Agency Permit 2017-0115.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of 9.5± acres on the west side of Maple Grove Road (the Van Nostrand Parcel) creating a 7.061±-acre lot to be retained (Lot 1) and a 2.532±-acre lot (Lot 2) to be merged with an adjoining lot (the Smith Parcel) on the east side of Maple Grove Road.

This permit corrects a permittee name and deed reference in the original Permit 2024-0044 issued April 16, 2024.

The project is shown on the following map (Site Plan): "Survey Map and Subdivision of Lands of Timothy G. & Nancy Vannostrand," prepared by Ferguson & Foss Professional Land Surveyors, PC, dated January 22, 2024, and last revised January 30, 2024.

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.

This permit amends Condition 5 of Permit 2017-0115.

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 Hamilton 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 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. This permit amends and supersedes Permit 2024-0044. The terms and conditions of Permit P2024-0044 shall no longer apply.
5. This permit amends and supersedes Permit 2017-0115 in relation to the project site. The terms and conditions of Permit 2017-0115 shall no longer apply to the project site.
6. 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 2024-0044A, issued July 18, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
7. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision of the Van Nostrand Parcel as depicted on the Site Plan. Any subdivision not depicted on the Site Plan shall require a new or amended permit.
8. Within 30 days of conveyance of Lot 2, a new deed shall be filed in the Hamilton County Clerk's office describing Lot 2 and the Smith Parcel as a single, un-divided lot.

9. The construction of any dwelling or other principal building on the merged Lot 2 and Smith Parcel shall require a new or amended permit.
10. Any new free-standing or building-mounted outdoor lights on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or adjoining property.
11. There shall be no principal buildings located on Lot 1 other than the pre-existing single family dwelling constructed on the property in 1969 or any replacement structure for this dwelling as allowed by Agency regulations.
12. There shall be no more than two principal buildings located on the merged Lot 2 and Smith Parcel. The single family dwelling constructed on the Smith Parcel in 2003 constitutes a principal building. 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 18th day
of July, 2024.

ADIRONDACK PARK AGENCY

BY: _____

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 18th day of July 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

Stephanie L. Petith
Notary Public

NEW YORK
STATE OF OPPORTUNITY

Adirondack
Park Agency

RECEIVED

Date: February 22, 2024

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FINAL

P2024-0044A

