


THIS IS A TWO-SIDED DOCUMENT

 <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 2024-0086</p>
	<p>Date Issued: February 5, 2025</p>
<p>In the Matter of the Application of</p> <p>CHARLES WAYNE NEWMAN AND LYNN NEWMAN Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>To the County Clerk: Please index this permit in the grantor index under the following name(s):</p> <ol style="list-style-type: none">1. Charles Wayne Newman2. Lynn Newman

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and construction of one single family dwelling in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Harrietstown, Franklin County.

This authorization shall expire unless recorded in the Franklin 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 Franklin 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 is a 10.66±-acre parcel of land located on Indian Rock Trail in the Town of Harrietstown, Franklin County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 458, Block 2, Parcel 27, and is described in a deed from Alice Elizabeth Sullivan Newman to Charles Wayne Newman and Lynn Newman, dated October 19, 1982, and recorded December 21, 1982 in the Franklin County Clerk's Office at Liber 508, Page 1108.

The project site contains shoreline on Lake Flower. The project site contains wetlands within Lake Flower and along the entirety of the shoreline, except at the location of the existing dock, and additional wetlands that extend throughout the parcel. These wetlands are made up of made up of coniferous and deciduous swamp, emergent marsh, and shrub swamp covertypes with a value rating of "1". Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision to create a 6.54±-acre vacant lot (Lot 1) and a 4.12±-acre vacant lot (Lot 2). No new development is proposed or authorized herein on Lot 1. One single family dwelling is proposed on Lot 2.

The project is shown on a one-sheet plan titled "Map Of Survey Prepared For Charles Wayne Newman & Lynn Newman Showing Proposed Two Lot Subdivision," prepared by Geomatics Land Surveying, PC, dated November 15, 2024 (Site Plan).

A reduced-scale copy of the Site Plan 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 Franklin 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 2024-0086, issued February 5, 2025, 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 of the project site not depicted on the Site Plan shall require prior written Agency authorization.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on Lot 2 in the location and footprint shown on the Site Plan.

The single family dwelling shall be no more than 40 feet in height, as 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.

7. Prior to construction of any on-site wastewater treatment system on Lot 2, written authorization shall be obtained from the Agency for plans prepared by a New York State design professional (licensed engineer or registered architect) that comply with New York State Department of Health's "Wastewater Treatment Standards for Individual Household Systems" (10 NYCRR Appendix 75 A), the Agency's Project Guidelines for Residential On-Site Wastewater Treatment, and with Agency standards in 9 NYCRR Appendix Q4.

Installation of the approved plans shall be under the supervision of a licensed design professional. Within 30 days of complete system installation and prior to utilization, the design professional shall provide the Agency with written certification that the system was installed in compliance with the Agency authorized plan set.

8. Any deed of conveyance for Lot 1 shall contain a reference to a 50-foot-wide right-of-way over Lot 1 granting access to Lot 2 as depicted and described on the Site Plan.
9. Any deed of conveyance for Lot 2 shall contain an easement for the benefit of Lot 1, granting access along the existing gravel road shown on the Site Plan and from the existing gravel road to to the eastern side of Lot 1. Any clearing, grading, or construction of an access drive from the existing gravel road to the eastern side of Lot 1 shall require prior written Agency authorization.

10. Any deed of conveyance for Lot 2 shall contain an easement for the benefit of Lot 1 that allows installation and maintenance of an on-site wastewater treatment system in the area along the subdivision line shared by Lot 1 and Lot 2, greater than 100 feet from wetlands, from the "100' septic setback" line shown on the Site Plan and up to and west of the "existing trail" shown on the Site Plan on Lot 2. Installation of any on-site wastewater treatment system(s) on the project site shall require prior written Agency approval.
11. The construction of any principal building on Lot 1 shall require a new or amended permit.
12. The construction of any accessory structure on Lot 1 or Lot 2 shall require prior written Agency authorization.
13. Within 100 feet of the edge of wetlands shown on the Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for a) within the limits of clearing shown on the Site Plan that are associated with the single family dwelling on Lot 2 and b) removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
14. There shall be no boathouses on the project site.
15. There shall be no docks on the project site, other than the existing docks on Parcel 1 shown on the Site Plan.
16. No structures greater than 100 square feet in size shall be constructed within 50 feet, measured horizontally, of the mean high water mark of Lake Flower.
17. Installation of any on-site wastewater treatment system(s) on the project site shall require prior written Agency approval.
18. The undertaking of any activity involving wetlands shall require a new or amended permit.
19. 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.

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 and 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 Hamlet land use area;
- c. will be consistent with the overall intensity guidelines for the Hamlet 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 5th day of February, 2025.

ADIRONDACK PARK AGENCY

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

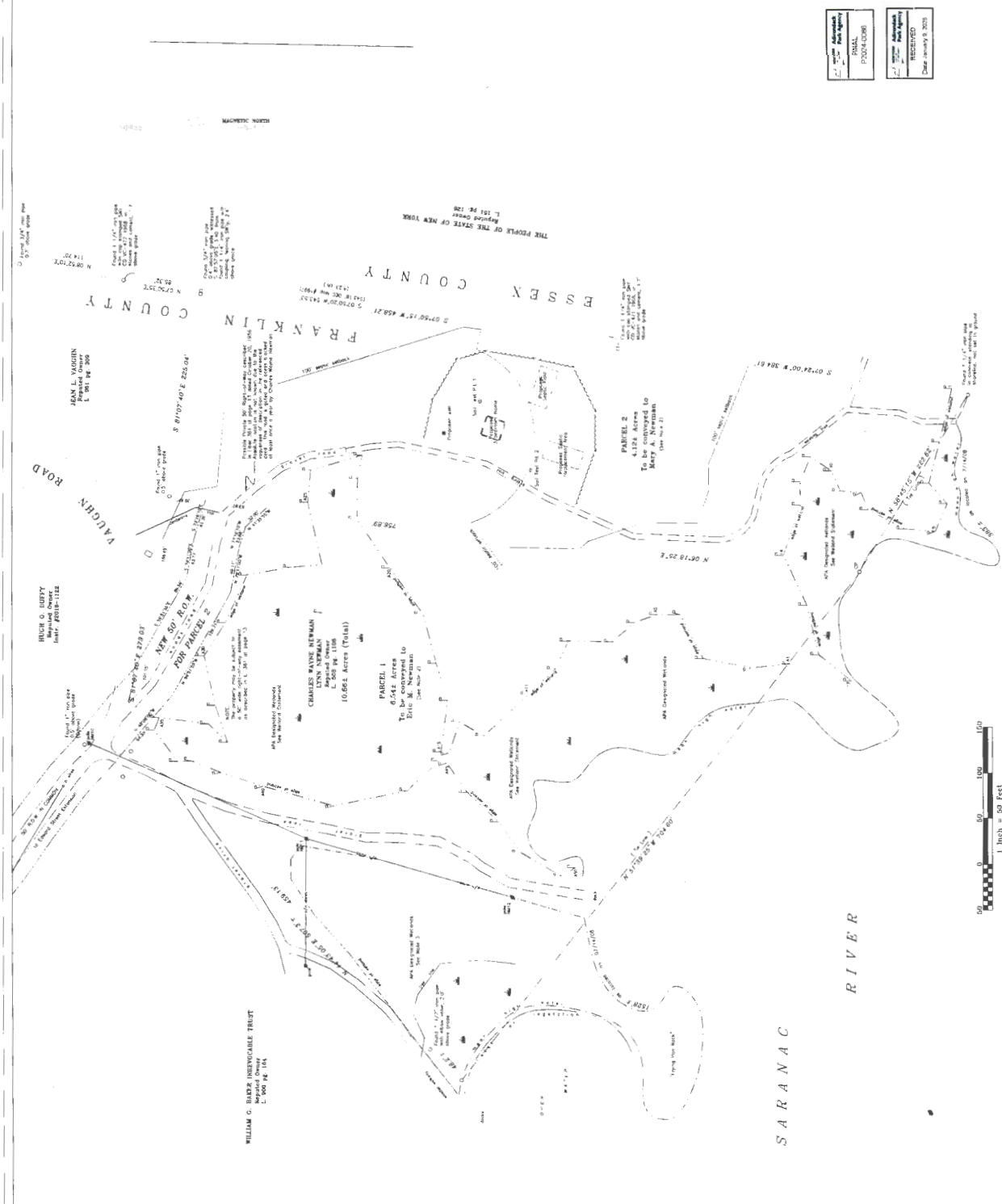
STATE OF NEW YORK
COUNTY OF ESSEX

On the 5th day of February in the year 2025, 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. 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025

Stephanie L. Petith
Notary Public

1	Project No. 1277/24	DATE	12/29/24
2	Client Name: MARY A. STRUBAN	DATE	12/29/24
3	Project Address: 1115/24	DATE	12/29/24
4	Project Description: 1115/24	DATE	12/29/24
5	Project Location: 1115/24	DATE	12/29/24
6	Project Status: 1115/24	DATE	12/29/24
7	Project Type: 1115/24	DATE	12/29/24
8	Project Scale: 1" = 50'	DATE	12/29/24
9	Project Map No. 418-2-77	DATE	12/29/24
10	Project Map No. 08022	DATE	12/29/24



WARRANTY STATEMENT

The survey was conducted in accordance with the Florida Surveying and Mapping Act, Chapter 461, Florida Statutes, and the rules and regulations of the Board of Professional Engineers and Surveyors, State of Florida.

NOTES

- This survey was conducted in accordance with the Florida Surveying and Mapping Act, Chapter 461, Florida Statutes, and the rules and regulations of the Board of Professional Engineers and Surveyors, State of Florida.
- The survey was conducted on the date indicated above.
- The survey was conducted by the undersigned.
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RECEIVED
DATE: JANUARY 9, 2025

