


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 2024-0135</p>
<p>In the Matter of the Application of</p> <p>PAUL HERBOLD III Permittee</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: June 20, 2024</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Paul Herbold III</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Saranac, Clinton County.

This authorization shall expire unless recorded in the Clinton 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 Clinton 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 255.8-acre parcel of land located on Station Road in the Town of Saranac, Clinton County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 214, Block 1, Parcels 9.1 and 9.5, and is described in a deed from Paul Herbold and Laura G. Carbone to Paul Herbold III, dated January 11, 2010, and recorded January 13, 2010 in the Clinton County Clerk's Office under Instrument Number 2010-00229839.

The project site is improved by a single-family dwelling constructed in 2006.

The project site was created as "Lot 1" in a two-lot subdivision as authorized by Agency Permit 2020-0043.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the project site to create a 6-acre vacant, non-building parcel (Parcel B) and a property comprised of Parcel 9.5 and a 66-acre parcel (Parcel A) improved by the single family dwelling constructed in 2006. No new land use or development is proposed.

The project is shown on a hand-drawn sketch entitled "Attachment D Subdivision Map," prepared by Paul Herbold and dated May 3, 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 in a Resource Management land use area 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 Clinton 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. This permit amends and supersedes Permit 2020-0043 in relation to the project site. The terms and conditions of Permit P2020-0043 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 2024-0135, issued June 20, 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 a two-lot subdivision as depicted on the Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require a new or amended permit.
7. The deed of conveyance for Parcel B shall contain a covenant restricting the property against the construction of any single family dwelling, mobile home, or other principal building as that term is defined under the Adirondack Park Agency Act. The deed shall state that the covenant shall run with, touch and concern the land, and that the covenant shall be enforceable by the Adirondack Park Agency and the State of New York.
8. The construction of any dwelling or other principal building on Parcel A shall require a new or amended permit. The construction of any accessory structure on the project site shall require prior written Agency authorization. The undertaking of any activity involving wetlands shall also require a new or amended permit.
9. Installation of any on-site wastewater treatment system on the project site shall require prior written Agency approval.
10. There shall be no more than nine principal buildings located on the property comprised of Parcel A and Parcel 9.5 at any time. The single family dwelling constructed on the property in 2006 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
11. There shall be no principal buildings located on Parcel B.

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 Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management 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 20th day
of June, 2024.

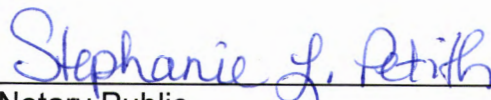
ADIRONDACK PARK AGENCY

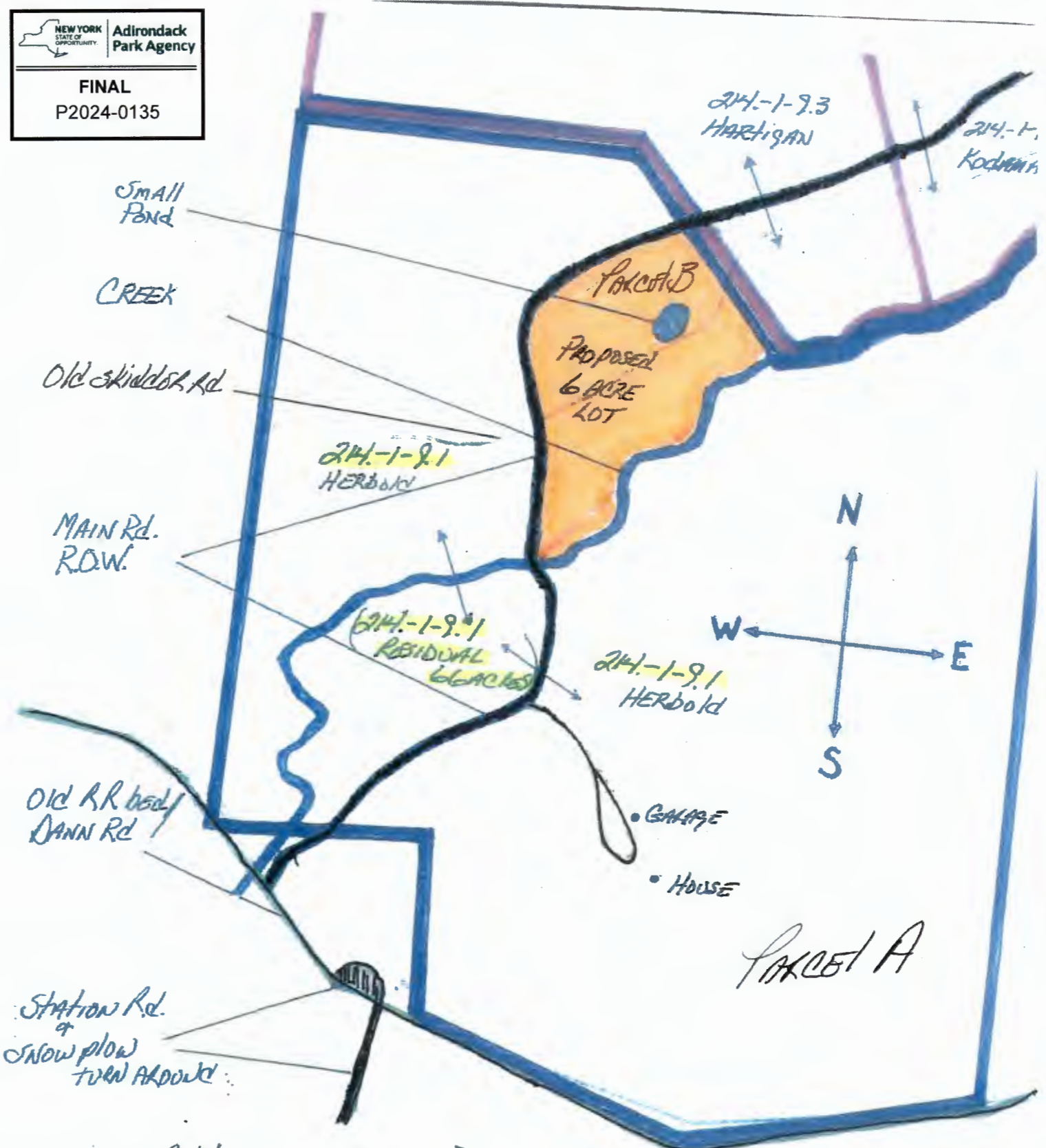
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 20th day of June 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 01PE62798800
Qualified in Franklin County
Commission Expires April 15, 2025


Notary Public



Attachment D Subdivision Map

MAP PREPARED BY:
PAUL HERBOLD
MAY 3, 2024