


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <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 2024-0137</p>
<p>In the Matter of the Application of</p> <p>KEVIN L. GREGORY & THERESA M. GREGORY Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: September 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">1. Kevin L. Gregory2. Theresa M. Gregory

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 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 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 39.15-acre parcel of land located on NYS Route 9N 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 54.3, Block 1, Parcel 8.110, and is a portion of the property described in a deed from Elias Haddad to Kevin L. Gregory and Theresa M. Gregory, dated August 6, 2021, and recorded August 10, 2021 in the Essex County Clerk's Office under Instrument Number 2021-4084.

The project site is partially located within the NYS Route 9N Highway Critical Environmental Area (CEA). The project site is improved by a garage and two bunkhouse cabins served by pit privies constructed between 2021 and 2023 outside of the Highway CEA.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of 39.15± acres creating a 21.18±-acre vacant residential lot (Lot B) and a 17.97±-acre lot improved by a garage and two bunkhouse cabins (Lot A). No new land use and development is proposed.

The project is shown on a subdivision map titled "Map of Proposed 2 Lot Subdivision of Lands of Kevin L. Gregory and Theresa M. Gregory, Being Part of Lot 105, Township One, Old Military Tract Thorn's Survey, Town of Keene, County of Essex, State of New York," prepared by William M. Curran, and dated July 16, 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 within 150 feet of the edge of the right-of-way of any state highway 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 2024-0137, issued September 5, 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 prior written Agency authorization.
6. The undertaking of any new land use or development on the project site within 150 feet of the right of way of NYS Route 9N shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
7. Within 150 feet of the edge of the right-of-way of NYS Route 9N, no trees greater than 6 inches in diameter at breast height may be cut, culled, trimmed, pruned or otherwise removed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
8. There shall be no more than two principal building(s) located on Lot A. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
9. There shall be no more than three principal building(s) located on Lot B. 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/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 5th day of September, 2024.

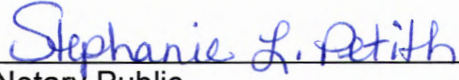
ADIRONDACK PARK AGENCY

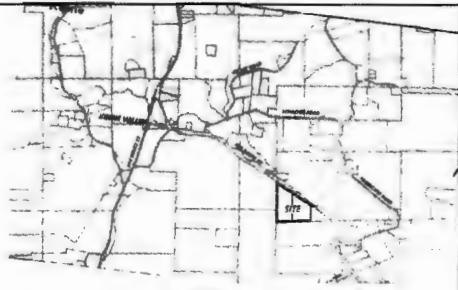
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

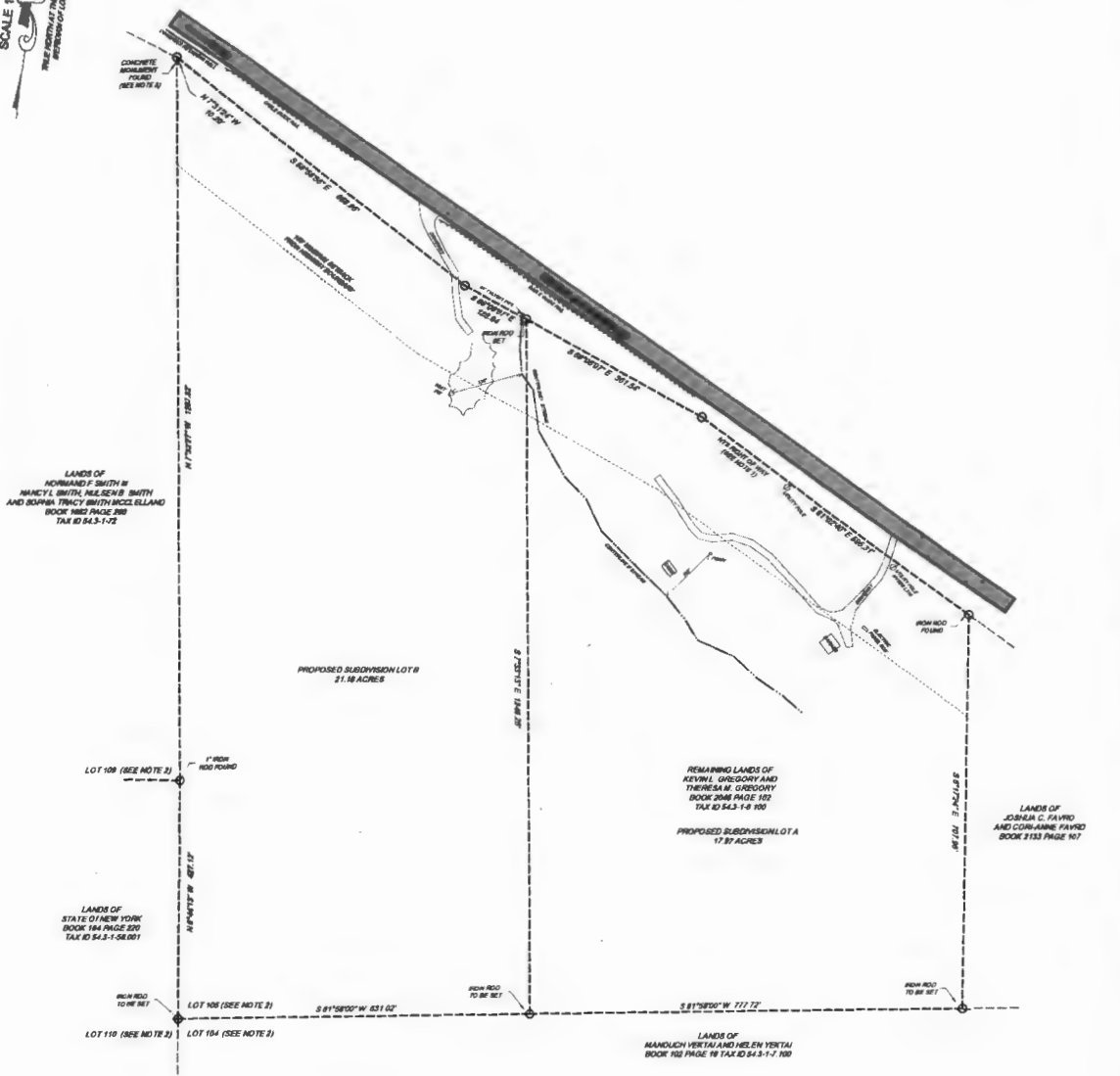
On the 5th day of September in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and 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



SCALE 1" = 100'
THE POSITION OF THE BENCH MARK IS APPROXIMATELY CORRECT



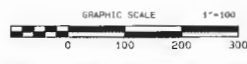
- Notes:
1. Road Right of Way from New York State Project S.H. 5236 Elizabethtown - Keene Part 2 Taking Map 48R-1 Parcel 71.
 2. Certain Lots of Old Military Tract, Township 1, Thom's Survey
 3. Concrete monument found held as described in deed reference 1.
 4. 114" iron pipe found held as described in deed reference 2.
 5. Adirondack Park Agency Land Use and Develop Plan Designation - Rural Use.

Deed References:

1. Elias Haddock to Kevin L. Gregory and Theresa M. Gregory. Recorded 8/19/2021, Book 2046 Page 102

Map Reference:

1. Boundary Survey of Certain Lands of Kevin L. Gregory and Theresa M. Gregory to be Conveyed to Joshua C. Fawc and Co-Acres Farms Dated July 7, 2023 Recorded July 28, 2023 as Instrument 8077.



NEW YORK STATE	Adirondack Park Agency
FINAL P2024-0137	
NEW YORK STATE	Adirondack Park Agency
RECEIVED	
Date: July 18, 2024	

APPROVED AS TO FORM FOR RECORD BY A SURVEYOR
RECORDING A LICENSED LAND SURVEYOR AS A MEMBER OF
OF SECTION 20E SUBSECTION 1 OF THE NEW YORK STATE
CONSTITUTION

NOTE: THIS MAP IS A PART OF A SURVEY
OF LANDS OF KEVIN L. GREGORY AND THERESA M. GREGORY
AND THERESA M. GREGORY TO BE CONVEYED TO JOSHUA C. FAWC
AND CO-ACRES FARMS AND IS SUBJECT TO THE BOUNDARY SURVEY
OF CERTAIN LANDS OF KEVIN L. GREGORY AND THERESA M. GREGORY
TO BE CONVEYED TO JOSHUA C. FAWC AND CO-ACRES FARMS DATED
JULY 7, 2023 RECORDED JULY 28, 2023 AS INSTRUMENT 8077.

DATE	REVISION	BY	REVISION	TOWN OF ALBANY

STATE OF NEW YORK COUNTY OF ALBANY
JULY 18, 2024
WILLIAM M. CURSIAN PROFESSIONAL LAND SURVEYOR

MAP OF PROPOSED 2 LOT SUBDIVISION
OF LANDS OF KEVIN L. GREGORY AND THERESA M. GREGORY
Being Part of Lot 140, Township One, Old Military Tract Thom's Survey
Town of Keene, County of Essex, State of New York

WILLIAM M. CURSIAN
PROFESSIONAL LAND SURVEYOR

PHONE (518) 885-7510