


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 2024-0141</p>
<p>In the Matter of the Application of</p> <p>ELIZABETH K. WHITMAN and D. BRUCE WHITMAN Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: August 22, 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. Elizabeth K. Whitman2. D. Bruce Whitman

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 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 an 11.26±-acre parcel of land located between O'Toole Road and Hurricane Road in the Town of Keene, Essex 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 54.1, Block 1, Parcel 24, and is described in two deeds: a deed from Wayne H. Byrne and Margaret M. Byrne to D. Bruce Whitman and Elizabeth K. Whitman dated October 2, 1998, and recorded October 15, 1998 in the Essex County Clerk's Office in Liber 1191 of Deeds at Page 118, and a deed from from Emily Easton, Wallace S. Jones, Cecilia M. Locke, and S. Burns Weston to D. Bruce Whitman and Elizabeth K. Whitman, dated November 10, 1967, and recorded January 29, 1968 in the Essex County Clerk's Office in Book 462 at Page 184.

The project site is improved by a pre-existing single-family dwelling on Lot 1 and a single family dwelling constructed in 2007 on Lot 2, each served by a separate on-site wastewater treatment system and on-site water supply. Each dwelling is accessed by a separate driveway from O'Toole Road. The southern portion of the project site was the subject of Agency Permit 2000-0188, which authorized two, two-lot subdivisions, and Permit 2000-0188A which authorized the construction of the single family dwelling on Lot 2.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of an 11.26±-acre parcel to create Lot 1, a 6.99±-acre lot, and Lot 2, a 4.27±-acre lot, each improved by one single family dwelling and accessory structures. Pursuant to Agency Permit 2000-0188, there is one remaining principal building right which was allocated to Lot C in that permit. That portion of Lot C is part of the project site, and that principal building will be allocated to the new Lot 1.

The project is shown on a Subdivision Plan titled "Map of Survey of the Whitman Subdivision," prepared by Kevin A. Hall, L.S., dated May 20, 2024, revised on July 17, 2024, and received by the Agency on July 18, 2024. A reduced-scale copy of the Subdivision 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, 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 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 Subdivision 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 permits 2020-0188 and 2020-0188A in relation to the project site. The terms and conditions of permits 2020-0188 and 2020-0188A 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 2024-0141, issued August 22, 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 Subdivision Plan. Any subdivision of the project site not depicted on the Subdivision Plan shall require a new or amended permit.
7. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit.
8. The construction of any accessory structure on Lot 2 located greater than 75 feet from the existing single family dwelling, or greater than 150 square feet in footprint or 18 feet in height, shall require a new or amended permit.
9. Construction of any guest cottage on the project site shall require prior written Agency approval.
10. There shall be no more than one principal building located on Lot 1, in addition to the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
11. There shall be no more than one principal building located on Lot 2 at any time. The single family dwelling constructed on the property in 2007 constitutes a principal building.
12. The existing single family dwelling on Lot 2 shall not exceed its previously authorized dimensions of 35 feet in height, as measured from the highest point on the structure, including the chimney, to the lower of either existing or finished

grade, and 2,700 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any expansion beyond these dimensions shall require prior written Agency authorization.

13. All exterior building materials, including roof, siding, and trim, used to surface the exterior of the existing dwelling on Lot 2, and all accessory structures on Lot 2, shall be of a color which blends with the existing vegetation.
14. Any new free-standing or building-mounted outdoor lights on Lot 2 shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward O'Toole Road, Hurricane Road, or adjoining property.
15. On Lot 2 and outside of the existing 0.8±-acre clearing containing the existing single family dwelling and on-site wastewater treatment system, no trees may be cut, culled, trimmed, pruned or otherwise removed or disturbed 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.

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 22nd day of August, 2024.

ADIRONDACK PARK AGENCY

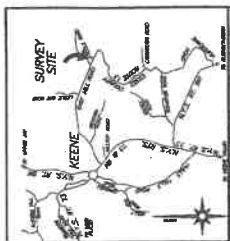
BY: [Signature]
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 22nd day of August 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.

[Signature]
Notary Public

Stephanie L. Petith
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025



NOTE: MAGNETIC NORTH
BY MAP REFERENCE #2

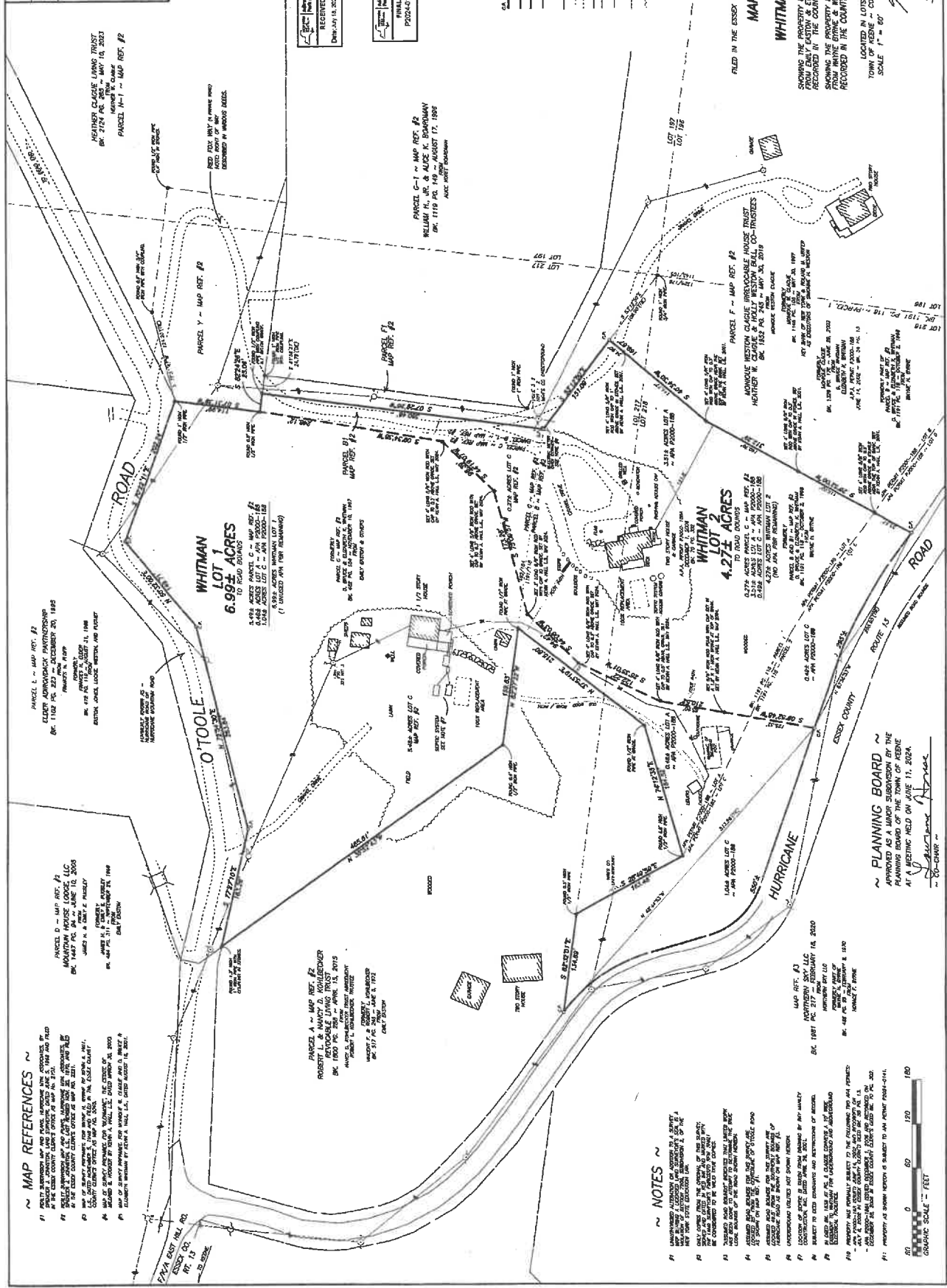


RECEIVED
DATE: JAN 18, 2024
PROJECT: 041

- ~ LEGEND ~**
- UNIMPROVED ROAD
 - IMPROVED ROAD
 - EASEMENT
 - EASEMENT WITH 5' WIDE STRIP
 - EASEMENT WITH 10' WIDE STRIP
 - EASEMENT WITH 15' WIDE STRIP
 - EASEMENT WITH 20' WIDE STRIP
 - EASEMENT WITH 25' WIDE STRIP
 - EASEMENT WITH 30' WIDE STRIP
 - EASEMENT WITH 35' WIDE STRIP
 - EASEMENT WITH 40' WIDE STRIP
 - EASEMENT WITH 45' WIDE STRIP
 - EASEMENT WITH 50' WIDE STRIP
 - EASEMENT WITH 55' WIDE STRIP
 - EASEMENT WITH 60' WIDE STRIP
 - EASEMENT WITH 65' WIDE STRIP
 - EASEMENT WITH 70' WIDE STRIP
 - EASEMENT WITH 75' WIDE STRIP
 - EASEMENT WITH 80' WIDE STRIP
 - EASEMENT WITH 85' WIDE STRIP
 - EASEMENT WITH 90' WIDE STRIP
 - EASEMENT WITH 95' WIDE STRIP
 - EASEMENT WITH 100' WIDE STRIP

FILED IN THE ESSAY CO. CLERK'S OFFICE AS MAP NO. 8186.
MAP OF SURVEY
OF THE
WHITMAN SUBDIVISION

SHOWING THE PROPERTY DESCRIBED IN A DEED DATED APR. 10, 1967
RECORDED IN THE COUNTY CLERK'S OFFICE IN LIBER 462 OF 184.
SHOWING THE PROPERTY DESCRIBED IN A DEED DATED OCT. 9, 1968
FROM WHITE OAK & WIFE TO G. BRUCE & EUGENE H. WHITMAN
RECORDED IN THE COUNTY CLERK'S OFFICE IN LIBER 119 OF 118.
LOCATED IN LOTS 217 & 218 OF THE ESSAY TRACT
TOWN OF KEENE - COUNTY OF ESSAY - STATE OF NEW YORK
SCALE: 1" = 60'
JULY 17, 2024
ESSAY COUNTY, N.Y.
CLERK



~ MAP REFERENCES ~

- 1) UNIMPROVED ALTERNATE OR ACCESS TO A LOT IN A SURVEY AS SHOWN ON THIS MAP IS NOT TO BE CONSIDERED AS A PART OF THE SURVEY UNLESS SPECIFICALLY NOTED OTHERWISE ON THIS MAP.
- 2) ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
- 3) ALL BEARING ANGLES ARE IN DEGREES, MINUTES AND SECONDS.
- 4) ALL BEARING ANGLES ARE MEASURED FROM THE SOUTH OR NORTH AS INDICATED BY THE BEARING.
- 5) ALL BEARING ANGLES ARE MEASURED IN THE HORIZONTAL PLANE.
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~ NOTES ~

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- 10) ALL BEARING ANGLES ARE MEASURED IN THE HORIZONTAL PLANE.



~ PLANNING BOARD ~
APPROVED AS A LAND SUBDIVISION BY THE
PLANNING BOARD OF THE TOWN OF KEENE
AT A MEETING HELD ON JUNE 11, 2024.
DATE: JUNE 11, 2024
PLANNING BOARD