


THIS IS A TWO-SIDED DOCUMENT

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></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 <b>2024-0146</b></p>
<p>In the Matter of the Application of</p> <p><b>JOSEPH D'AURIA</b> <b>KAYCIE D'AURIA</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued: July 30, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Joseph D'Auria</b> <b>2. Kaycie D'Auria</b></p>

**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 19.5± acres, comprised of two parcels 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 44.4, Block 2, Parcels 35.000 (Parcel 35) and 10.110 (Parcel 10.110).

Parcel 35 is a 5.5±-acre property described in a deed from Sonia R. Augustine, Joseph J. Augustine, John H. Augustine and Christina M. Adams to Joseph D'Auria and Kaycie D'Auria, dated December 15, 2007, and recorded January 4, 2008 in the Essex County Clerk's Office at Book 1562, Page 203. Parcel 10.110 is a 13.8±-acre property described in a deed from John Reynolds to Joseph D'Auria and Kaycie D'Auria, dated November 29, 2006 and recorded December 12, 2006 in the Essex County Clerk's Office at Book 1519, Page 169.

The project site is located within the designated East Branch AuSable River Recreational River area and is partially located within the Hurrican Mountain Wilderness Critical Environmental Area.

Parcel 35 is improved by a pre-existing single family dwelling. Parcel 10.110 is improved by a circa 2001 single family dwelling constructed pursuant to Agency Permit 1990-0255BR.

Parcel 10.110 was created as "Lot 5" in a six-lot subdivision as authorized by Agency Permit 1990-0255BR.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of Parcel 35 to create:

- Lot 1, a 3.7± acre vacant lot to be merged with Parcel 10.110 and,
- Lot 2, a 1.8± acre lot containing the pre-existing single family dwelling.

The project is shown on a hand-drawn plan prepared by Joseph D'Auria and received by the Agency on June 14, 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 Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any subdivision of Rural Use lands located within any designated Recreational river area in the Adirondack Park.

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.

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 that results in the creation of five or more lots, parcels, or sites since May 22, 1973, in a Rural Use land use area in the Adirondack Park.

This permit amends Condition 8 of Permit 1990-0255CR.

### **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, Wild, Scenic and Recreational Rivers System Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This Permit amends and supersedes Permits 1990-0255, 1990-0255AR, 1990-0255BR and 1990-0255CR in relation to the project site. The terms and conditions of Permit 1990-0255, 1990-0255AR, 1990-0255BR and 1990-0255CR 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 2024-0146, issued July 30, 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. Within 30 days of conveyance of Lot 1, a new deed shall be filed in the Essex County Clerk's office describing Parcel 10.110 and Lot 1 as a single, un-divided lot.
8. The undertaking of any new land use or development on the the project site shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.

9. Construction of any guest cottage on the project site shall require prior written Agency approval.
10. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Route 9N or any adjoining property.
11. There shall be no more than two principal buildings located on the merged parcel consisting of Lot 1 and Parcel 10.110 at any time. The single family dwelling constructed on the property in 2001 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
12. There shall be no principal buildings located on Lot 2 other than the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.


### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, 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;
- 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;
- h. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- i. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- j. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

PERMIT issued this 30<sup>th</sup> day  
of July, 2024.

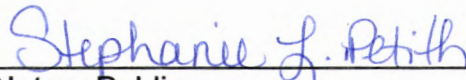
ADIRONDACK PARK AGENCY

BY:   
John M. Burth  
Environmental Programs Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 30<sup>th</sup> day of July in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, 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

RECEIVED

Date: June 14, 2024

FINAL

P2024-0146

Parcel 44.4-2-10.110

