


THIS IS A TWO-SIDED DOCUMENT

 <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>2024-0158</b></p>
<p>In the Matter of the Application of</p> <p><b>ROBERT H. HART, JR, ROBERT H. HART, SR, RENA R. HART, RANDY H. HART, AND BOBBI JO HART</b> <b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: August 15, 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"><li><b>1. Robert H. Hart, Jr.</b></li><li><b>2. Robert H. Hart, Sr.</b></li><li><b>3. Rena R. Hart</b></li><li><b>4. Randy H. Hart</b></li><li><b>5. Bobbi Jo Hart</b></li></ol>

**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 AuSable, 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.

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 approximately 50-acre portion of a 300±-acre parcel of land located on NYS Route 22 and Arthur Road in the Town of AuSable, Clinton County, in an area classified Resource Management and Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 304, Block 1, Parcels 14.11 and 14.12. Parcel 14.11 is described in a deed from Robert H. Hart, Sr. and Rena R. Hart to Robert H. Hart, Sr. and Rena R. Hart, Robert H. Hart, Jr. and Randy H. Hart dated December 7, 2018, and recorded January 14, 2019 in the Clinton County Clerk's Office under Instrument Number. Parcel 14.12 is described in a deed from Robert Hart and Rena Hart to Randy H. Hart and Bobbi Jo Hart, dated April 2, 2005, and recorded April 4, 2005 in the Clinton County Clerk's Office under Instrument Number 2005-00181042.

The project site is partially located within the designated NYS Route 22N and Interstate 87 critical environmental areas. Wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site is improved by by a pre-existing single family dwelling and accessory farm buildings. The remainder of the project site is an apple orchard.

The project site was created as "Lot 1 and 2" in a two-lot subdivision as authorized by Agency Permit 2002-296.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two lot subdivision of Parcel 14.11 to create:

- Lot 1, a 40.40-acre vacant parcel with a potential building location identified in Agency Permit 2002-296; and
- Lot 2, a 9.68-acre parcel that will be merged with Parcel 14.12.

The project is shown on the following map:

- "Map of Survey, of certain lands of Robert H. Hart Sr. and Rena R. Hart Life Estate, Robert H. Hart, Jr and Randy H. Hart and Bobbi Jo Hart showing Hart Subdivision East 2023" (Site Plan), prepared by Adirondack Surveying PLLC, received by the Agency June 13, 2024.

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.

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 Resource Management lands within 300 feet of the edge of the right-of-way of any state highway in the Adirondack Park.

This permit amends Condition 4 of Permit 2002-296.

**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 2002-296 in relation to the project site. The terms and conditions of Permit 2002-296 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 2024-0158, issued August 15, 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 construction of any dwelling or other principal building on Lot 1 shall require a new or amended permit.
8. The construction of a guest cottage on Lot 2 shall require prior written Agency approval.
9. 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.

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 NYS Route 22N or adjoining property.
11. Within 300 feet of the centerline of Route 22N or Interstate 87, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the mowing, cutting or day to day maintenance of the apple orchard or dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
12. There shall be no more than one principal building located on Lot 1.
13. There shall be no principal buildings located on the merged Parcel 14.12 and Lot 2 other than the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.

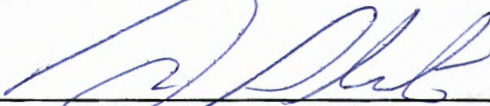
#### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act 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 15<sup>th</sup> day  
of August, 2024.

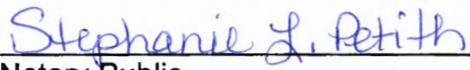
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 15<sup>th</sup> 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.

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

  
Notary Public

