

THIS IS A TWO-SIDED DOCUMENT



**Adirondack  
Park Agency**

P.O. Box 99, 1133 NYS Route 86  
Ray Brook, New York 12977  
Tel: (518) 891-4050  
www.apa.ny.gov

APA Permit  
**2024-0175**

Date Issued: November 4, 2024

In the Matter of the Application of

**DAVID M. RUTKOWSKI, KATHLEEN M.  
RUTKOWSKI, EUGENE W. SLADE, and  
MICHELLE A. SLADE**  
Permittees

for a permit pursuant to § 809 of the Adirondack Park  
Agency Act

To the County Clerk: Please  
index this permit in the grantor  
index under the following names:

- 1. David M. Rutkowski**
- 2. Kathleen M. Rutkowski**
- 3. Eugene W. Slade**
- 4. Michelle A. Slade**

**SUMMARY AND AUTHORIZATION**

This permit authorizes two, two-lot subdivisions in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Ticonderoga, 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 new deeds for the resulting merged lots have been recorded in the Essex County Clerk's Office.

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 54.4±-acre parcel of land (Lot 19.120), a 1.23±-acre parcel of land (Lot 19.200), and a 1.23±-acre parcel of land (Lot 2.000), located on Corduroy Road (County Route 2) in the Town of Ticonderoga, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map.

The parcels are identified as Tax Map Section 138.2, Block 2, Parcels 19.120, 19.200, and 2.000. Lot 19.120 is described in a deed from Richard Armstrong and Suzanne Armstrong to Eugene W. Slade and Michelle A. Slade, dated July 17, 1986, and recorded August 26, 1986 in the Essex County Clerk's Office at Book 863, Page 152. Lot 19.200 is described in a deed from Steve Wilson to David M. Rutkowski and Kathleen M. Rutkowski, dated June 16, 2016, and recorded July 28, 2016 in the Essex County Clerk's Office at Book 1843, Page 181. Lot 2.000 is described in a deed from Helen Stowell to David M. Rutkowski and Kathleen M. Rutkowski, dated January 7, 1974, and recorded January 15, 1974 in the Essex County Clerk's Office at Book 559, Page 271.

Lot 19.120 and Lot 2.000 are each improved by a single family dwelling, on-site wastewater treatment system, potable water well, accessory garage and sheds, and driveway. Wetlands not described herein or depicted on the Site Plan are located south of the existing development on Lot 19.120.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of tax map parcel 138.2-2-19.120 to create a 1.25±-acre vacant lot and a 53.15±-acre lot containing an existing single family dwelling, and a two-lot subdivision of tax map parcel 138.2-2-19.200 to create a 0.68±-acre vacant lot and a 0.55±-acre vacant lot. The 0.55±-acre and 1.25±-acre subdivision lots described above will be merged with 1.23±-acre tax map parcel 138.2-2-2.000, resulting in a 3.03±-acre lot containing an existing single family dwelling. The 53.15±-acre and 0.68±-acre subdivision lots described above will be merged, resulting in a 53.83±-acre lot containing an existing single family dwelling. No new land use and development is proposed.

The project is shown on the following maps:

- A deed plot titled "Sketch Map Deed Plot & Preliminary Scouting Prepared for Eugene W. & Michelle A. Slade," prepared by Martin B. Thompson L.S., and dated February 26, 2016 (Deed Plot); and
- A map titled "Sketch Plan Proposed Boundary Line Adjustment Between Lands of David M. & Kathleen M. Rutkowski and Eugene W. & Michelle A. Slade", prepared by Martin B. Thompson L.S., and dated January 10, 2017 (Subdivision Plan).

A reduced-scale copy of the Subdivision Plan for the project is attached as a part of this permit for reference.

7. Within 30 days of conveyance of the 0.68±-acre portion of Lot 19.200, a new deed shall be filed in the Essex County Clerk's office describing the 0.68±-acre portion of Lot 19.200 and the 53.15±-acre of Lot 19.120 as a single, un-divided lot (The 53.83±-acre lot). Any future subdivision of this un-divided lot shall require a new or amended permit.
8. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit.
9. Construction of any guest cottage on the project site shall require prior written Agency authorization.
10. The undertaking of any activity involving wetlands shall require a new or amended permit.
11. There shall be no principal buildings located on the 3.03±-acre lot other than the single family dwelling constructed in 1974 or any replacement structure for this dwelling as allowed by Agency regulations.
12. There shall be no more than six principal building(s) located on the 53.83±-acre lot, 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.

### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, 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.

### **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 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 5 or more lots, parcels, or sites since May 22, 1973, in a Rural Use 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. 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 2024-0175, issued November 4, 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 two two-lot subdivisions 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.
6. Within 30 days of conveyance of the 1.25±-acre portion of Lot 19.120, a new deed shall be filed in the Essex County Clerk's office describing the 1.25±-acre portion of Lot 19.120, the 0.55±-acre portion of Lot 19.200, and Lot 2.000 as a single, un-divided lot (The 3.03±-acre lot). Any future subdivision of this un-divided lot shall require a new or amended permit.

PERMIT issued this 4<sup>th</sup> day  
of November, 2024.

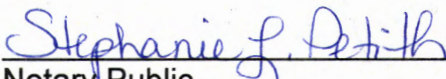
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 4<sup>th</sup> day of November 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

**MAP NOTES**

- 1) Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.
- 2) Only copies from the original of this survey marked with an original of the land surveyor's seal shall be considered to be valid copies.
- 3) Adjoining land owners and boundary detail shown for information only.
- 4) Underground improvements and encroachments are not shown hereon.
- 5) Subject to the findings of an accurate and up to date title search.
- 6) Subject to all right, title or interest of the public in and to the lands within the bounds of Corduroy Road (AKA County Road Rte 2)
- 7) This 'SKETCH PLAN' is preliminary in nature and is therefore subject to review by the Town of Ticonderoga with subsequent revision and approval as a 'Final Survey & Plan'.

**MAP REFERENCE (M.R.)**

- 1) MAP OF SURVEY - LANDS OF STEVE WILSON... by Martin B. Thompson dated Sept. 11, 2006 filed at E.C.C.O. 5/19/14 as man no. 7017.
- 2) SKETCH MAP - DEED PLOT & PRELIMINARY SCOUTING PREPARED FOR EUGENE W. & MICHELLE A. SLADE by Martin B. Thompson dated Feb. 26 & 29, 2016 filed at E.C.C.O. 3/3/16 as man no. 7239.

**DEED REFERENCES**

- 1) Helen Stowell to David M. & Kathleen M Rutkowski Deed Book 559 page 271 Dated: Jan. 7, 1974 Recorded: Jan. 15, 1974
- 2) Steve Wilson to David M. & Kathleen M. Rutkowski Deed Book 1843 page 181 Dated: 6/16/2016 Recorded: 7/28/2016
- 3) Richard & Suzanne Armstrong to Eugene W. & Michelle A. Slade Deed Book 863 page 152 Dated: July 17, 1986 Recorded: Aug. 26, 1986

**EUGENE W. & MICHELLE A. SLADE**  
863/152  
Tax Map Parcel 138.2-2-19.12  
+/- 79.6 Acres less highway (subject to survey)  
+/- 1.25 Acres merged with Rutkowski  
+/- 0.68 Acre merged with this Slade lot  
+/- 79 Acres new adjusted Slade lot

+/- 1.23 Acres 559/271  
+/- 0.35 Acre remaining of 1843/181  
+/- 3.03 new adjusted Rutkowski lot

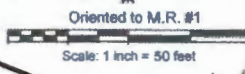
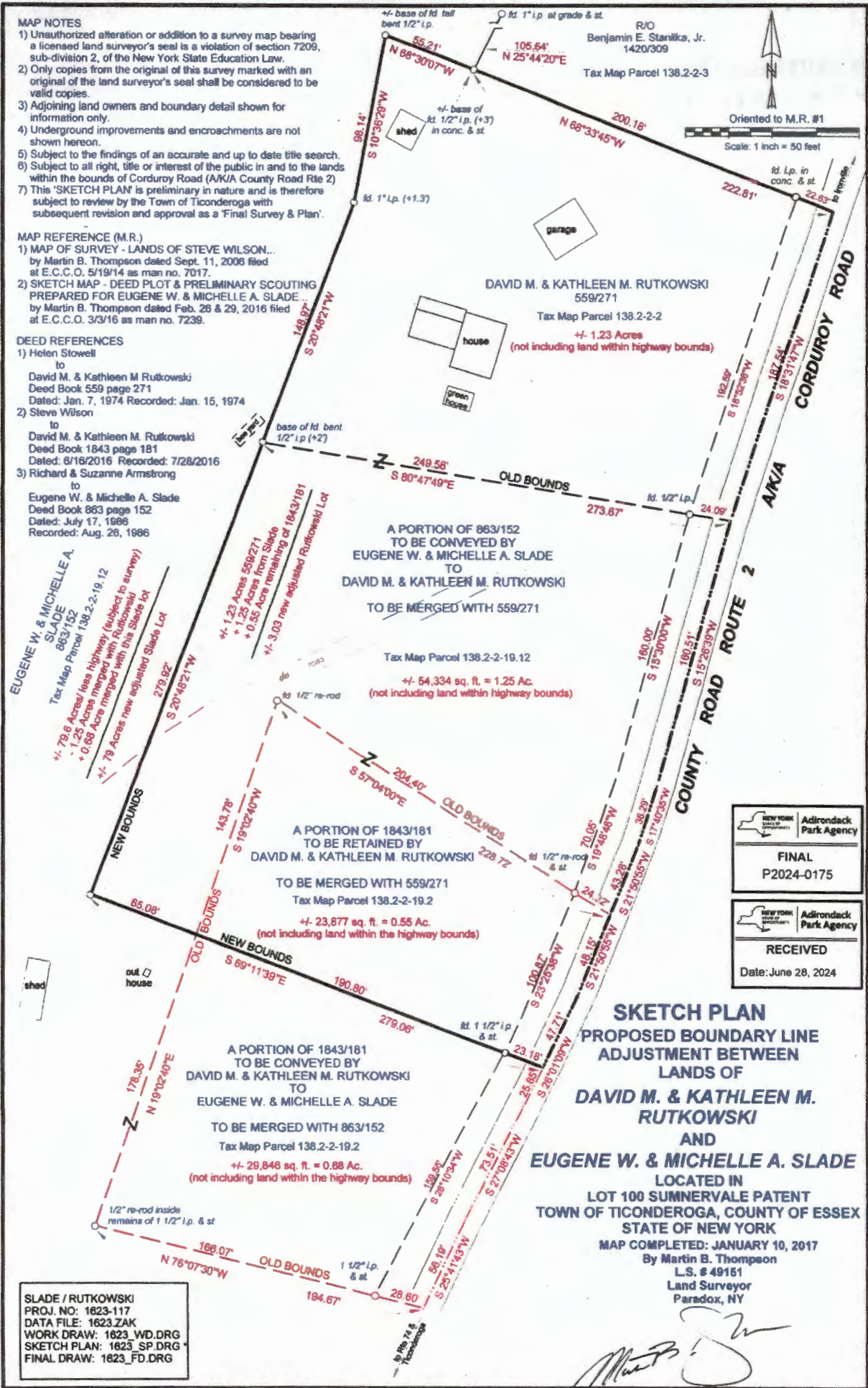
A PORTION OF 863/152  
TO BE CONVEYED BY  
EUGENE W. & MICHELLE A. SLADE  
TO  
DAVID M. & KATHLEEN M. RUTKOWSKI  
TO BE MERGED WITH 559/271  
Tax Map Parcel 138.2-2-19.12  
+/- 54,334 sq. ft. = 1.25 Ac.  
(not including land within highway bounds)

A PORTION OF 1843/181  
TO BE RETAINED BY  
DAVID M. & KATHLEEN M. RUTKOWSKI  
TO BE MERGED WITH 559/271  
Tax Map Parcel 138.2-2-19.2  
+/- 23,877 sq. ft. = 0.55 Ac.  
(not including land within the highway bounds)

A PORTION OF 1843/181  
TO BE CONVEYED BY  
DAVID M. & KATHLEEN M. RUTKOWSKI  
TO  
EUGENE W. & MICHELLE A. SLADE  
TO BE MERGED WITH 863/152  
Tax Map Parcel 138.2-2-19.2  
+/- 29,846 sq. ft. = 0.68 Ac.  
(not including land within the highway bounds)

**SKETCH PLAN**  
PROPOSED BOUNDARY LINE  
ADJUSTMENT BETWEEN  
LANDS OF  
**DAVID M. & KATHLEEN M. RUTKOWSKI**  
AND  
**EUGENE W. & MICHELLE A. SLADE**  
LOCATED IN  
LOT 100 SUMNERVALE PATENT  
TOWN OF TICONDEROGA, COUNTY OF ESSEX  
STATE OF NEW YORK  
MAP COMPLETED: JANUARY 10, 2017  
By Martin B. Thompson  
L.S. # 49151  
Land Surveyor  
Paradox, NY

**SLADE / RUTKOWSKI**  
PROJ. NO: 1623-117  
DATA FILE: 1623\_ZAK  
WORK DRAW: 1623\_WD.DRG  
SKETCH PLAN: 1623\_SP.DRG  
FINAL DRAW: 1623\_FD.DRG



NEW YORK STATE  
ADIRONDACK  
Park Agency

**FINAL**  
P2024-0175

NEW YORK STATE  
ADIRONDACK  
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**RECEIVED**  
Date: June 28, 2024

*Martin B. Thompson*