


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>2024-0188</b></p>
<p>In the Matter of the Application of</p> <p><b>ROBERT J. ELMENDORF and MARIA ELMENDORF</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: November 18, 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 J. Elmendorf</b></li><li><b>2. Maria Elmendorf</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a three-lot subdivision in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Inlet, Hamilton County.

This authorization shall expire unless recorded in the Hamilton 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 Hamilton 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 1.59±-acre parcel of land located on Gilbert Road in the Town of Inlet, Hamilton County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 59.016, Block 1, Parcel 15.100, and is described in a deed from David Years to Robert J. Elmendorf and Maria Elmendorf, dated January 9, 2024, and recorded January 31, 2024 in the Hamilton County Clerk's Office under Instrument Number 2020-118.

The project site contains shoreline on Fifth Lake. The project site also contains wetlands that begin at the shoreline of Fifth Lake and extend west onto the parcel. Additional 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 two mobile homes, one constructed in 1965 and one constructed in 1991.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a three-lot subdivision to create a 0.39±-acre lot with existing development (Lot 1), a 0.76±-acre lot with existing development (Lot 2), and a 0.44±-acre vacant building lot (Lot 3).

The project is shown on a one-page plan titled "Subdivision Map of Lands of Robert J. Elmendorf & Maria Elmendorf, 7 & 11 Gilbert Road," prepared by LaFave, White & McGivern, L.S., P.C., dated June 11, 2024 and last revised October 21, 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 and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands 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 Hamilton 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 2024-0188, issued November 18, 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 three-lot subdivision as depicted on the Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require prior written Agency authorization.
6. The undertaking of any new land use or development on Lot 3 shall require shall require prior written Agency authorization.
7. Prior to undertaking construction of any boathouse on the project site, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
8. Prior to undertaking construction of any new or replacement dock on the project site, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
9. No structures greater than 100 square feet in size shall be constructed within 50 feet, measured horizontally, of the mean high water mark of Fifth Lake.
10. Installation of any on-site wastewater treatment system on Lot 3 shall require prior written Agency approval.
11. The undertaking of any activity involving wetlands shall require a new or amended permit.

**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 Hamlet land use area;
- c. will be consistent with the overall intensity guidelines for the Hamlet 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; and
- f. will be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values.

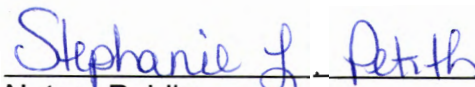
PERMIT issued this 18<sup>th</sup> day  
of November, 2024.

ADIRONDACK PARK AGENCY

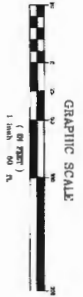
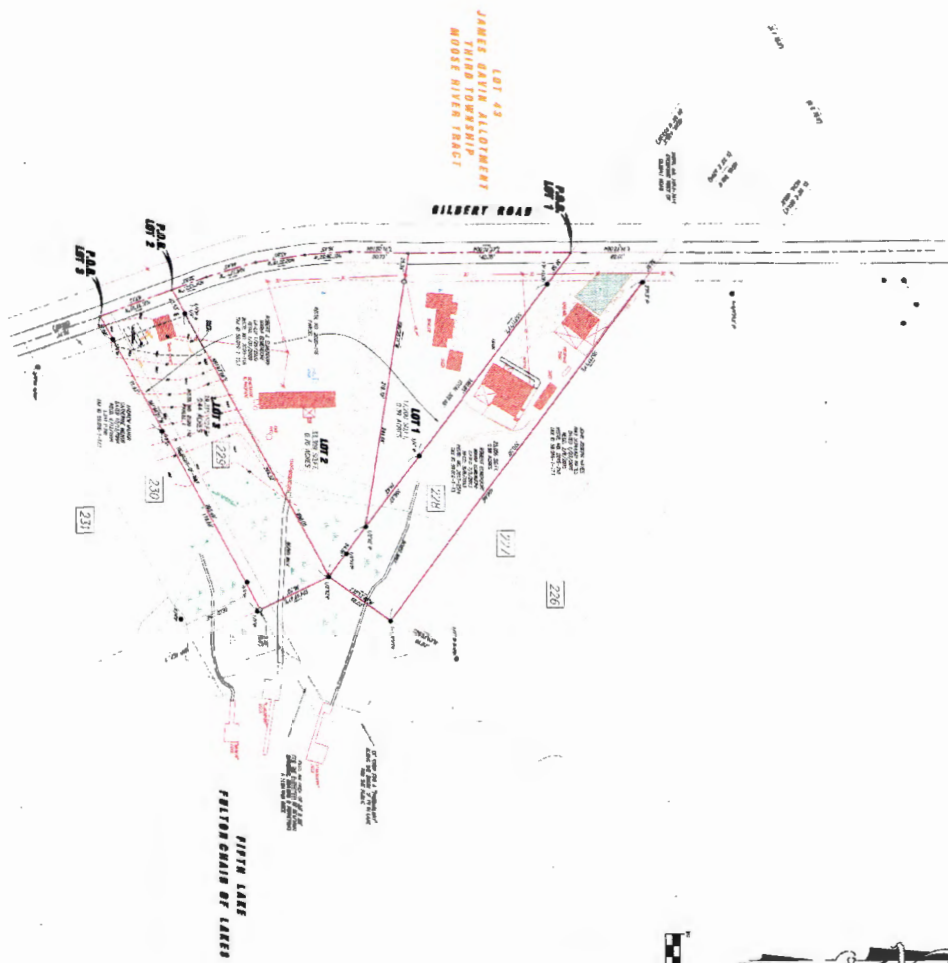
BY:   
David J. Plante, AICP CEP  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 18<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.

  
Notary Public

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

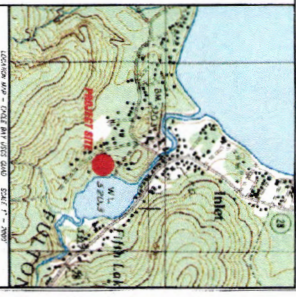


- LEGEND**
- 1/4" = 100' FT
  - 1/2" = 100' FT
  - 3/4" = 100' FT
  - 1" = 100' FT
  - 1 1/2" = 100' FT
  - 2" = 100' FT
  - 3" = 100' FT
  - 4" = 100' FT
  - 6" = 100' FT
  - 8" = 100' FT
  - 10" = 100' FT
  - 12" = 100' FT
  - 14" = 100' FT
  - 16" = 100' FT
  - 18" = 100' FT
  - 20" = 100' FT
  - 24" = 100' FT
  - 30" = 100' FT
  - 36" = 100' FT
  - 42" = 100' FT
  - 48" = 100' FT
  - 54" = 100' FT
  - 60" = 100' FT
  - 66" = 100' FT
  - 72" = 100' FT
  - 78" = 100' FT
  - 84" = 100' FT
  - 90" = 100' FT
  - 96" = 100' FT
  - 100" = 100' FT

**NOTES**

1. All lots shown on this plan are subject to the same conditions and restrictions as those shown on the plan of the Moose River Tract, dated and recorded as above.
2. The lots shown on this plan are subject to the same conditions and restrictions as those shown on the plan of the Moose River Tract, dated and recorded as above.
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10. The lots shown on this plan are subject to the same conditions and restrictions as those shown on the plan of the Moose River Tract, dated and recorded as above.

DATE: October 21, 2014  
 RECEIVED: [Signature]  
 MAIL: [Signature]  
 P2024-018



**PLANNING BOARD**  
 DATE: [Signature]  
 TIME: [Signature]  
 PLACE: [Signature]

**RE-CONVERSION MAP LAWS OF**  
**NEW YORK STATE**  
**SECTION 225-B**  
**PLANNING BOARD**  
**NEW YORK**  
**PLANNING BOARD**  
**NEW YORK**  
**PLANNING BOARD**  
**NEW YORK**

**WALTON COUNTY**  
**TOWN OF INET**  
**NEW YORK**  
**LAND SURVEYORS**  
**HARRISA - BOONVILLE**

DATE	TIME	PLACE
10/21/14	10:00 AM	BOONVILLE