


THIS IS A TWO-SIDED DOCUMENT

 <b>Adirondack Park Agency</b>  P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	APA Permit <b>2024-0200</b>
In the Matter of the Application of  <b>PRAYER ROAD, LLC</b> <b>Permittee</b>  for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578	Date Issued: December 17, 2024  To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Prayer Road, LLC</b>

**SUMMARY AND AUTHORIZATION**

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

This authorization shall expire unless recorded in the Franklin 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 Franklin County Clerk's Office. The Agency will consider the project in existence when an authorized lot has been conveyed to an outside party, or when an authorized structure has been constructed.

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 41±-acre parcel of land located on NYS Route 3 in the Town of Franklin, Franklin County, in an area classified Hamlet and Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 384, Block 2, Parcel 21, and is described in a deed from Jeremy Schenk to Prayer Road, LLC, dated February 15, 2024, and recorded February 15, 2024 in the Franklin County Clerk's Office under Instrument Number 2024-897.

The project site contains wetlands associated with Lyon Brook located along the southern border of the parcel and small pockets of wetlands extending North from Lyon Brook. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a seven-lot subdivision of Hamlet and Rural Use lands to create vacant building lots. Each of the seven lots are to be developed by one single family dwelling and one accessory use structure. The project includes a shared access from NYS Route 3 over two lots within the Hamlet land use area.

The project is shown on the following maps, plans, and reports (Project Plans):

- A one-sheet plan titled "Map of Survey prepared for Brian Draper," prepared by Alan L. Latourelle, A.L.L. Land Surveying, dated June 27, 2024 (Site Plan); and
- An eight page report titled "Soils & Percolation Data," prepared by Wiley W. Lavigne, May 21, 2024, and last revised October 23, 2024 (On-site Wastewater Treatment System Report).

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 Franklin 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 Project Plans 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, 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 2024-0200, issued December 17, 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 seven-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 deed of conveyance for Lot 3 shall contain a covenant restricting the Rural Use portion of the property against the construction of any single family dwelling, mobile home, or other principal building as that term is defined under the Adirondack Park Agency Act. The deed shall state that the covenant shall run with, touch and concern the land, and that the covenant shall be enforceable by the Adirondack Park Agency, the State of New York.
7. Any deed of conveyance for Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, or Lot 7 as depicted on the Site Plan, shall contain an easement for the subdivision access road over the 50 Foot Right of Way shown and described on the Site Plan.
8. The Rural Use portion of Lot 3 shall not be conveyed separately from the Hamlet portion of Lot 3.
9. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and accessory structure on Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7 in the locations shown on the Site Plan.  
  
The single family dwellings and accessory structures on Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7 shall be no more than 30 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The single family dwellings shall be less than 5,000 square feet in footprint, including all attached porches, decks, exterior stairs and other attached structures. The accessory use structures shall be less than 600 square feet in footprint. Any expansion beyond these dimensions shall require prior written Agency authorization.
10. The construction of any additional structures on the project site shall require prior written Agency authorization.
11. Construction of any guest cottage associated with the single family dwellings authorized on Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7 shall require prior written Agency approval.

12. Any on-site wastewater treatment system(s) on Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, or Lot 7 installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the Project Plans. Construction of the system shall be supervised by a New York State design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

13. 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.
14. Prior to the conveyance of any lot authorized herein, the subdivision access road shall be constructed according to the Site Plan.
15. 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 3 or adjoining property.
16. All exterior building materials, including roof, siding and trim, of any structure on Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, or Lot 7 shall be a dark shade of green, grey, or brown.
17. Outside of the limits of clearing shown on the Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed or disturbed on Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, or Lot 7 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.
18. The undertaking of any activity involving wetlands shall require a new or amended permit.
19. There shall be no principal buildings located on the Rural Use Portion of Lot 3.
20. There shall be no principal buildings located on Lot 4 other than the dwelling authorized herein.
21. There shall be no principal buildings located on Lot 5 other than the dwelling authorized herein.
22. There shall be no principal buildings located on the Rural Use portion of Lot 6 other than the dwelling authorized herein.



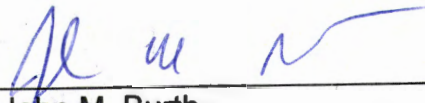
**CONCLUSIONS OF LAW**

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 and Rural Use land use areas;
- c. will be consistent with the overall intensity guidelines for the Hamlet and Rural Use land use areas;
- 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;
- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- g. 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 17<sup>th</sup> day of December, 2024.

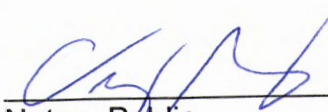
**ADIRONDACK PARK AGENCY**

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

**STATE OF NEW YORK  
COUNTY OF ESSEX**

On the 17<sup>th</sup> day of December in the year 2024, 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.

Craig A. Michaels  
Notary Public, State of New York  
Reg. No. 02M16413384  
Qualified in Essex County  
Commission Expires January 25, 2025

  
Notary Public

# PRELIMINARY

## Map of Survey Proposed for Brian Draper

Town of Franklin, County of Franklin, State of Massachusetts  
 Lot No. 235, Township 10, Old Westbury  
 - being the same Franklin County  
 Franklin County to Jeremy S. Draper, as proposed by  
 and recorded in the Franklin County Registry on November 2, 2023  
 at Bristol Court No. 2023-5414  
 - Tax Map No. 88A-2-31 -  
 - Assessor's Office: June 27, 2024 -

**ACKNOWLEDGE PLANNING BOARD USE:**  
 Planning Board No. 1  
 Meeting Date: 11/15/2023  
 Meeting Time: 7:00 PM  
 Meeting Location: 177 Main Street, Franklin, MA  
 Meeting Agenda Item: 11/15/2023-01

**Scale:** 1" = 100'  
 0 100 200  
**North Arrow**  
**Legend**  
 Proposed Lot Lines  
 Proposed Easements  
 Proposed Right-of-Way  
 Proposed Driveways  
 Proposed Structures  
 Proposed Utilities  
 Proposed Fences  
 Proposed Other Features  
 Existing Lot Lines  
 Existing Structures  
 Existing Utilities  
 Existing Fences  
 Existing Other Features  
 City Street  
 State Street  
 Proposed Right-of-Way  
 Proposed Easement  
 Proposed Driveway  
 Proposed Structure  
 Proposed Utility  
 Proposed Fence  
 Proposed Other Feature  
 Existing Lot Line  
 Existing Structure  
 Existing Utility  
 Existing Fence  
 Existing Other Feature

**NOTE:**  
 This map is a preliminary survey and should not be used for any legal or financial purposes without the approval of a professional surveyor.

