


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>2024-0206</b></p>
<p>In the Matter of the Application of</p> <p><b>ROBERT P. ECKERT, JR. SHELIA DELARM ECKERT Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: October 1, 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 Eckert</b></li><li><b>2. Shelia Delarm Eckert</b></li></ol>

**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 Brighton, 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.

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 33±-acre parcel of land located on NYS Route 30 in the Town of Brighton, Franklin 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 334, Block 1, Parcel 26, and is described in a deed from Carol A. Collins as executrix of Dorothy E. Summers to Robert P. Eckert, Jr. and Shelia Delarm Eckert, dated November 24, 1993, and recorded January 14, 1994 in the Franklin County Clerk's Office at Book 605, Page 208.

The project site is partially located within NYS Route 30 Highway Critical Environmental Area. The project site also contains wetlands in the southeast corner. 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 a single family dwelling and accessory building constructed in 1994.

### **PROJECT DESCRIPTION**

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

- Parcel A, a 19.59 acre vacant parcel.
- Parcel B, a 14.97 acre parcel improved by an existing single family dwelling.

The project is shown on the following map:

- The subdivision and locations of the existing single family dwelling and a potential building location on Parcel A are depicted on a map titled, "Bob Eckert – proposed subdivision" (Site Plan), prepared by Shepard Land Surveying and dated June 11, 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 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. 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 within 150 feet of the edge of the right-of-way of any state highway 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 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 2024-0206, issued October 1, 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 two-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 the project site within 150 feet of the right of way of NYS Route 30 shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
7. The construction of any dwelling or other principal building on the project site shall require prior written Agency authorization.
8. Construction of any guest cottage on the project site shall require prior written Agency approval.
9. Prior to construction of any on-site wastewater treatment system(s) on the project site, written authorization shall be obtained from the Agency for plans prepared by a New York State design professional (licensed engineer or registered architect) that comply with the Agency's Project Guidelines for Residential On-Site Wastewater Treatment, and with Agency standards in 9 NYCRR Appendix Q-4.  
  
Installation of the approved plans shall be under the supervision of a licensed design professional. Within 30 days of complete system installation and prior to utilization, the design professional shall provide the Agency with written certification that the system was installed in compliance with the Agency authorized plan set.
10. 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.

11. 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 30 or adjoining property.
12. There shall be no more than two principal buildings located on Parcel A. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
13. There shall be no more than two principal buildings located on Parcel B at any time. The single family dwelling constructed on the property in 1994 constitutes a principal building. 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 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;
- 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 1st day  
of October, 2024.

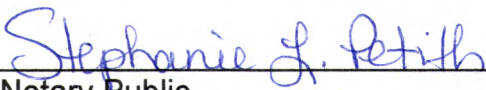
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 1st day of October 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

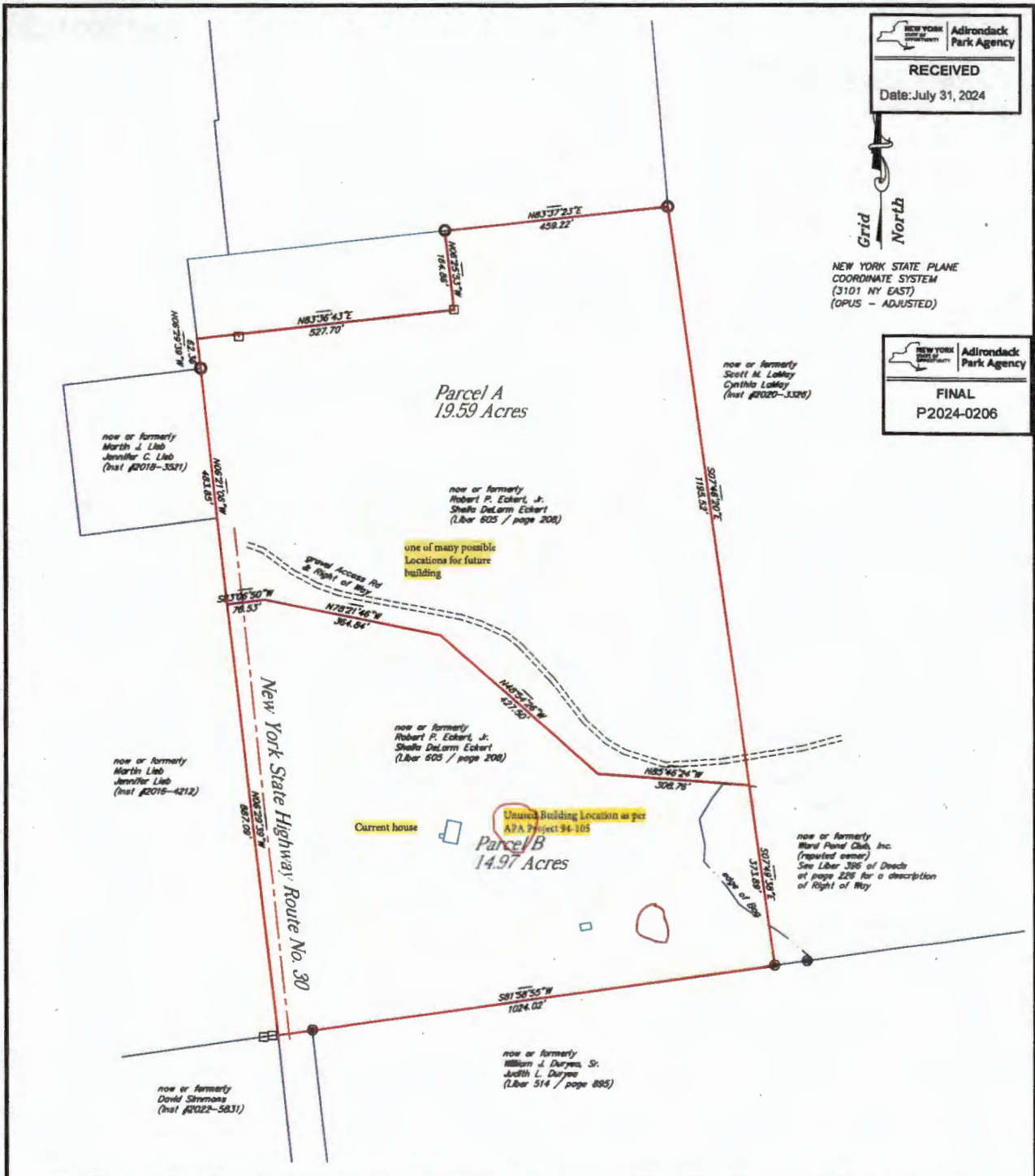


NEW YORK STATE  
ADIRONDACK  
Park Agency  
**RECEIVED**  
Date: July 31, 2024

Grid  
North

NEW YORK STATE PLANE  
COORDINATE SYSTEM  
(3101 NY EAST)  
(OPUS - ADJUSTED)

NEW YORK STATE  
ADIRONDACK  
Park Agency  
**FINAL**  
P 2024-0206



Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7208, sub-division 2, of the New York State Education Law. Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid true copies.

The location of underground improvements or encroachments are not always known and often must be ascertained. If any underground improvements exist or are shown, the improvements are not covered by this certificate.

The certifications herein are not transferable.

This survey was prepared without benefit of examination or on up to date Abstract of Title.

- LEGEND**
- BOUNDARY OF ROAD
  - RIGHT-OF-WAY BOUNDARY
  - PROPERTY LINE
  - ADJACENT PROPERTY LINE
  - EDGE OF BLDG. EAVES
  - INTERIOR PROPERTY LINE
  - EXTERIOR PROPERTY LINE
  - STONE WALL
  - UTILITY LINE AND POLE
  - FOUND IRON ROD
  - FOUND IRON PIPE
  - SET IRON ROD
  - DEED RECTAL
  - (N) MEASURED
  - △ CONCRETE HIGHWAY MONUMENT

I certify that I am a Land Surveyor Licensed by the State of New York and that this survey was performed by me in accordance with the Code of Practice adopted by The New York State Association of Professional Land Surveyors and is true and complete as shown.

1. Herein shown Parcel A being a portion of premises conveyed to XXXXXX by deed dated XXX, and recorded XXXX

**MAP OF SURVEY PREPARED FOR:**

**Bob Eckert**  
Proposed subdivision

TOWNSHIP OF BERTHON  
COUNTY OF TOWNKIN  
STATE OF NEW YORK

DATE: 08/11/2024  
TAX MAP ID # 334.00-1-26

SCALE: 1 inch = 200 feet  
FILE # 2024-029

**SHEPPARD**  
LAND SURVEYING

James R. Sheppard, L.S. 148 Union Street, Hamilton, NY 12041  
Phone: (518) 944-6300 & (518) 850-0064 Email: sheppard@sheppard.com

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