


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>2024-0250</b></p>
<p>In the Matter of the Application of</p> <p><b>WILLOW CALLAN, JEREMY W. SCHENK AND KATHRYN M. SCHENK</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: November 6, 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. Willow Callan</b></li><li><b>2. Jeremy Schenk</b></li><li><b>3. Kathryn Schenk</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 St. Armand, 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 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 includes a 27-acre parcel of land located on Champion Way in the Town of St. Armand, Essex 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 13.4, Block 1, Parcel 65.110 (Parcel 65.110), and is described in a deed from Rebecca A. Watts to Willow M. Davis, dated June 19, 2013, and recorded July 2, 2013 in the Essex County Clerk's Office under Instrument Number 2013-3036. The project site also includes a 9.64-acre parcel identified as Tax Map Section 13.4, Block 1, Parcel 65.120 (Parcel 65.120), and is described in a deed from Jeffery M. Brown to Jeremy W. Schenk and Kathryn M. Schenk, dated October 14, 2014, and recorded December 3, 2014 in the Essex County Clerk's Office under Instrument Number 2014-4945.

Parcel 65.110 is improved by a single-family dwelling and accessory garage. Parcel 65.120 is improved by a single-family dwelling and accessory garage.

The project site comprises a portion of "Lot 10" in a 10-lot subdivision as authorized by Agency Permit 87-380RA.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of Parcel 65.110 to create a 17-acre parcel (Lot 1), improved by the existing single-family dwelling and accessory garage, and a 10-acre vacant parcel (Lot 2). Lot 2 will be merged with Parcel 65.120 to create a 19.64-acre parcel improved by an existing single family dwelling and accessory garage.

The project is shown on a map entitled, "Site Plan Map," received by the Agency on September 27, 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, a permit is required from the Adirondack Park Agency prior to any subdivision that results in the creation of five 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 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 87-380RA in relation to the project site. The terms and conditions of Permit 87-380RA 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 2024-0250, issued November 6, 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. Within 30 days of conveyance of Lot 2, a new deed shall be filed in the Essex County Clerk's office describing Lot 2 and Parcel 65.120 as a single, un-divided lot. Any future subdivision of this undivided lot shall require a new or amended permit.
8. The deed of conveyance for Lot 2 shall contain a covenant restricting 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 and the State of New York.
9. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit. The construction of any accessory structure on the project site shall require prior written Agency authorization.
10. Construction of any guest cottage on the project site shall require prior written Agency approval.
11. Installation of any new on-site wastewater treatment systems on the project site shall require prior written Agency approval.
12. There shall be no more than three principal buildings located on Lot 1 at any time. The single family dwelling constructed on the property in 2004 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
13. There shall be no principal buildings located on Lot 2.

- 14. There shall be no more than one principal building located on Lot 65.120 at any time. The single family dwelling constructed on the property in 2004 constitutes a principal building.

**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 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.

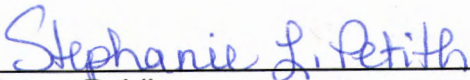
PERMIT issued this 6<sup>th</sup> day of November, 2024.

ADIRONDACK PARK AGENCY

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

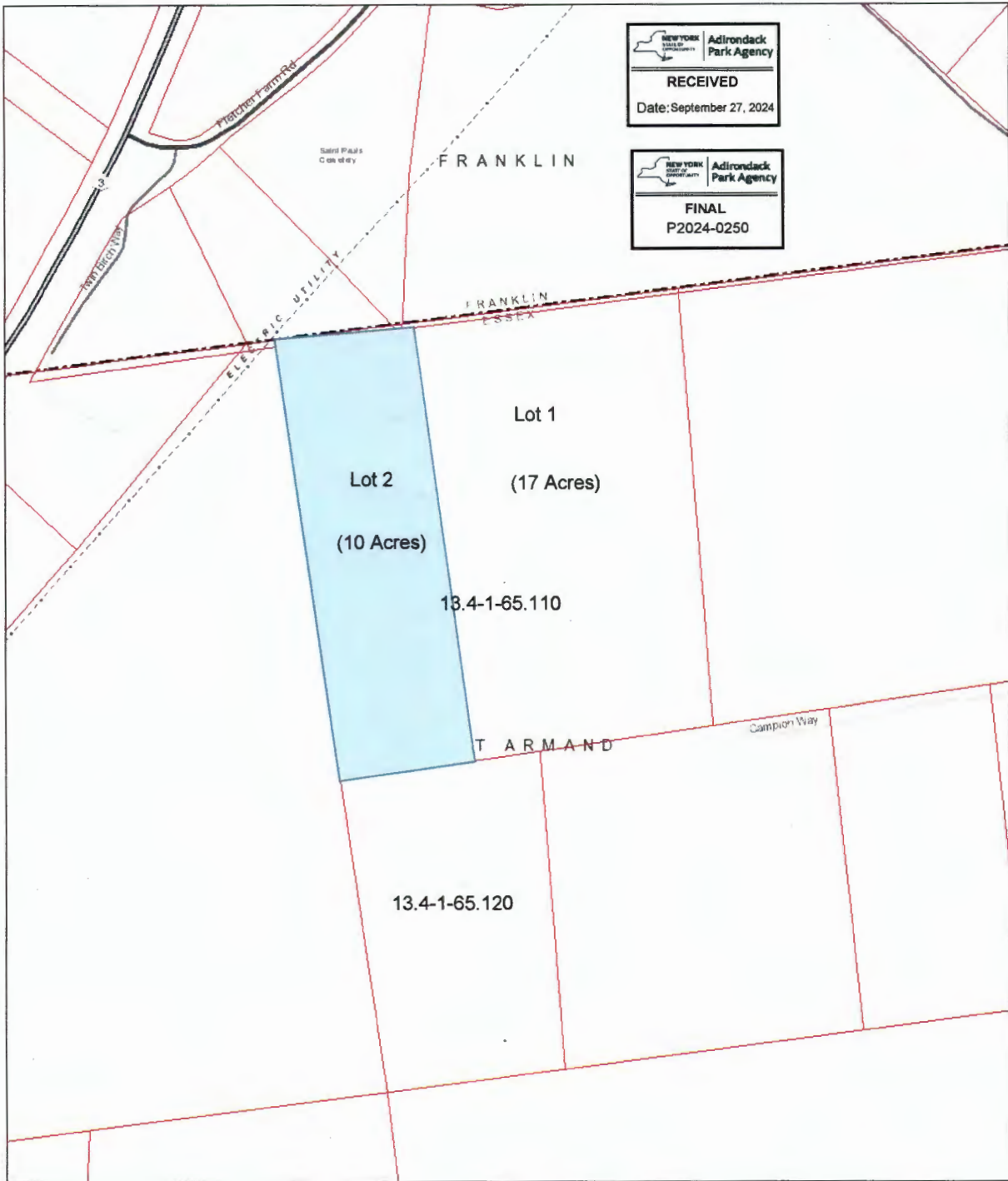
STATE OF NEW YORK  
COUNTY OF ESSEX

On the 6<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

# Site Plan Map



NEW YORK STATE OF ENVIRONMENTAL CONSERVATION  
Adirondack Park Agency  
**RECEIVED**  
Date: September 27, 2024

NEW YORK STATE OF ENVIRONMENTAL CONSERVATION  
Adirondack Park Agency  
**FINAL**  
P2024-0250