


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 2024-0267</p>
<p>In the Matter of the Application of</p> <p><b>THOMAS VANSCHAICK PATRICIA VANSCHAICK 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: December 9, 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. Thomas VanSchaick</b></li><li><b>2. Patricia VanSchaick</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Mayfield, Fulton County.

This authorization shall expire unless recorded in the Fulton 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 Fulton 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 62.098±-acre parcel of land located on Buckos Bay Road in the Town of Mayfield, Fulton County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 137.1, Block 1, Parcel 19.1, and is described in a deed from Deborah V. Jones, Christine M. Geren, Kelly J. Walker, and Jacquelyn R. Ward, as Co-Trustees of the Van Schaick Family Irrevocable Trust to Thomas VanSchaick and Patricia VanSchaick, dated June 7, 2021, and recorded June 28, 2021 in the Fulton County Clerk's Office under Instrument Number 2021-68177.

Wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site was created as "Lot 1" in a two-lot subdivision as authorized by Agency Permit 2001-0165, which further authorized construction of a single family dwelling with related development. The project site is improved by a single family dwelling constructed in 2015 and a detached garage constructed in 2002.

A 5±-acre portion in the southeast corner of the project site is not located within the boundaries of the Adirondack Park.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision creating:

- "Lot 1," a 32.871±-acre vacant parcel to be restricted 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; and
- "Lot 2," a 29.227±-acre parcel improved by the existing single family dwelling, detached garage and related development. A 5±-acre portion in the southeast corner is not located within the boundaries of the Adirondack Park.

A total of 10 mathematically-available building rights will be extinguished.

The project is shown a map titled, "Survey Map and Subdivision of Lands of Thomas and Patricia VanSchaick," prepared by Ferguson & Foss Professional Land Surveyors, PC and dated November 20, 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 Fulton 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 2001-0165 in relation to the project site. The terms and conditions of Permit 2001-0165 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 2024-0267, issued December 9, 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 prior written Agency authorization.
7. The deed of conveyance for Lot 1 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, the State of New York.
8. No structures greater than 100 square feet in size shall be constructed within 75 feet, measured horizontally, of the mean high water mark of Great Sacandaga Lake. Boathouses and docks, as defined under 9 NYCRR §570.3 are excepted from this requirement.
9. The undertaking of any activity within 200 feet of wetlands shall require prior written Agency authorization.
10. There shall be no principal buildings located on Lot 1.

11. There shall be no more than nine principal buildings located on Lot 2 at any time. The single family dwelling constructed on the property in 2002 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

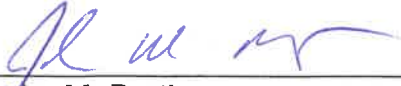
### **CONCLUSIONS OF LAW**

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 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 Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity 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 9<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 9<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.

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

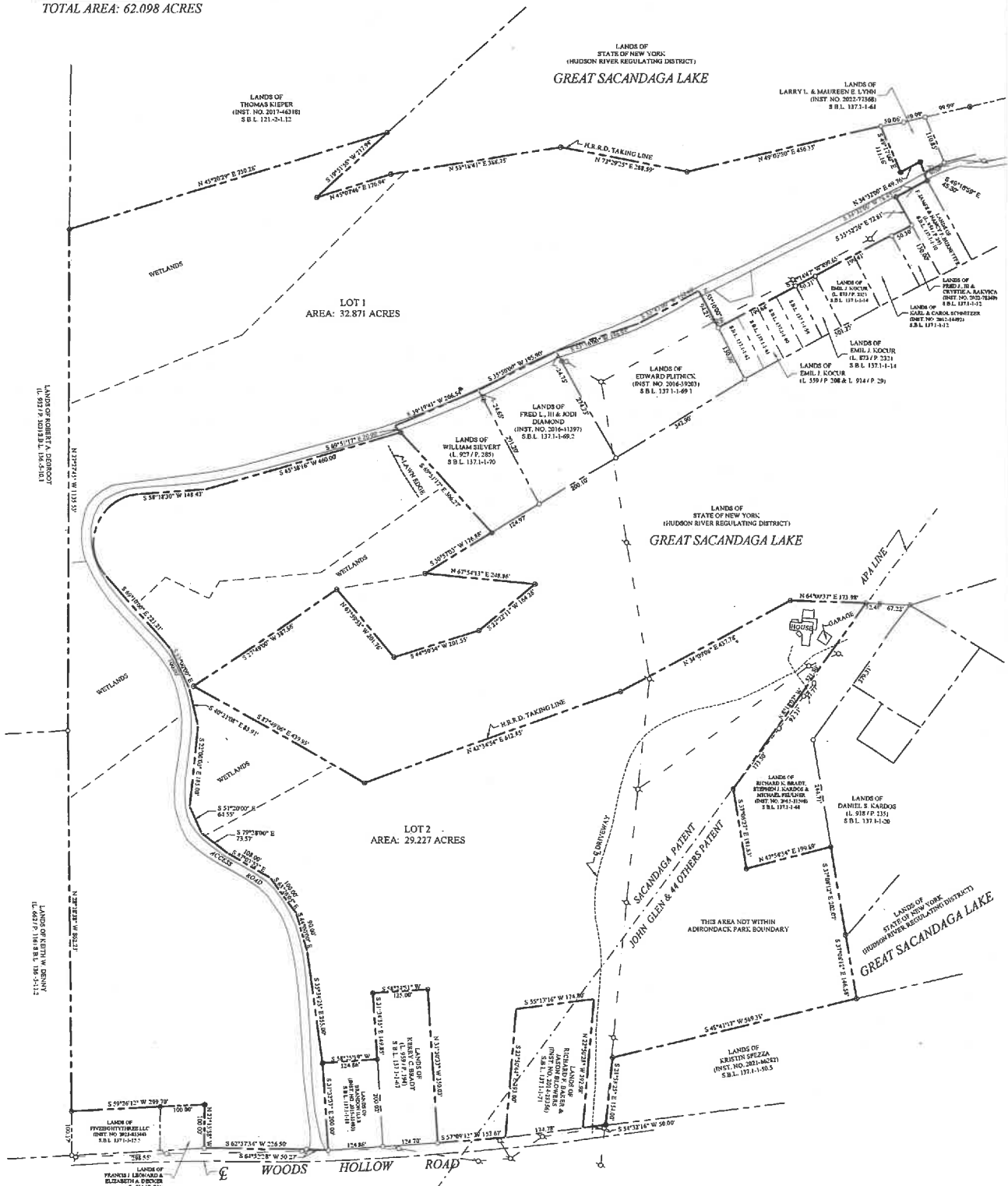
  
Notary Public

- LEGEND**
- H.R.R.D. MONUMENT
  - IRON PIPE FOUND
  - IRON ROD FOUND
  - IRON ROD SET
  - OVERHEAD UTILITY LINE



TOTAL AREA: 62.098 ACRES

WETLANDS AS SHOWN ARE PLOTTED PER AERIAL PHOTOGRAPH PROVIDED BY THE ADIRONDACK PARK AGENCY AND WERE NOT FLAGGED OR LOCATED IN THE FIELD. WETLANDS SHOWN ARE FOR GENERAL REFERENCE ONLY.



SURVEY MAP AND SUBDIVISION OF LANDS OF  
**THOMAS & PATRICIA VANSCHAICK**  
 (INST. NO. 2021-48177 & INST. NO. 2021-60150) S.B.L. 1371-1-19.1  
 TOWN OF MAYFIELD  
 COUNTY OF FULTON  
 STATE OF NEW YORK

SCALE 1" = 100' NOVEMBER 20, 2024

S.B.L. REFERS TO SECTION-BLOCK-LOT NUMBERS AS FOUND IN FULTON COUNTY REAL PROPERTY TAX SERVICE

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY WITH AN ORIGINAL OF THE LAND SURVEYORS SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYORS SEAL IS A VIOLATION OF SECTION 7209-1 OF THE NEW YORK STATE EDUCATION LAW.

**FERGUSON & POSS**  
 PROFESSIONAL LAND SURVEYORS, PC  
 P.O. BOX 116, ADIRONDACK PARK, NY 12001 518-262-8993  
 EMAIL: info@fergusonandposs.com

J. CHRISTOPHER FOSS  
 P.L.S. #00612