


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>2024-0272</b></p>
	<p>Date Issued: December 10, 2024</p>
<p>In the Matter of the Application of</p> <p><b>JENNIFER SUE HARRINGTON</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Jennifer Sue Harrington</b></p>

**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 Warrensburg, Warren County.

This authorization shall expire unless recorded in the Warren 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 Warren 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 100.49±-acre parcel of land located on NYS Route 9 in the Town of Warrensburg, Warren County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is described in a deed from Marguerite Warner to Edward Harrington, Jr. (deceased) and Jennifer Sue Harrington, dated February 18, 1992, and recorded March 4, 2024 in the Warren County Clerk's Office at Liber 846, Page 307. The site includes the following tax map parcels (TMPs):

- Tax Map Section 183, Block 1, Lot 9;
- Tax Map Section 183.4, Block 1, Lot 13;
- Tax Map Section 183.4, Block 1, Lot 14; and
- Tax Map Section 183.4, Block 1, Lot 15.

The project site is partially located within the designated state highway critical environmental area. The project site also contains wetlands associated with Millington Brook. 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 one single family dwelling constructed in 1987 located on TMP 183.4-1-14, and one single family dwelling constructed in 1860, one single family dwelling constructed in 1940, and one mobile home constructed in 1963, located on TMP 183.4-1-15.

Agency Permit 2022-0006 authorized the construction of a telecommunications tower, equipment compound, access road, and a subdivision by lease on TMP 183.-1-9.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of TMP 183.4-1-15 to create a 1.3±-acre lot improved by a pre-existing single family dwelling and pre-existing mobile home (Lot 1) and a 36.15±-acre lot improved by a pre-existing single family dwelling (Lot 2).

The project is shown on a one-sheet sketch map, undated and unsigned, received by the Agency on October 4, 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.

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 that results in the creation of a non-shoreline lot smaller than 7.35 acres in size 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 Warren 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 conditions in Permit 2022-0006 remain in full force and effect.
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 2024-0272, issued December 10, 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 undertaking of any new land use or development not authorized herein on the project site within 150 feet of the right of way of NYS Route 9 shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
8. The construction of any additional dwelling or other principal building shall require prior written Agency authorization.
9. Installation of any replacement on-site wastewater treatment system(s) on the project site shall require prior written Agency approval.
10. There shall be no more than two principal buildings located on Lot 1 other than the pre-existing single family dwelling and mobile home or any replacement of these structures as allowed by Agency regulations.

**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, the Wild, Scenic 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;
- 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 10<sup>th</sup> day of December, 2024.

ADIRONDACK PARK AGENCY

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

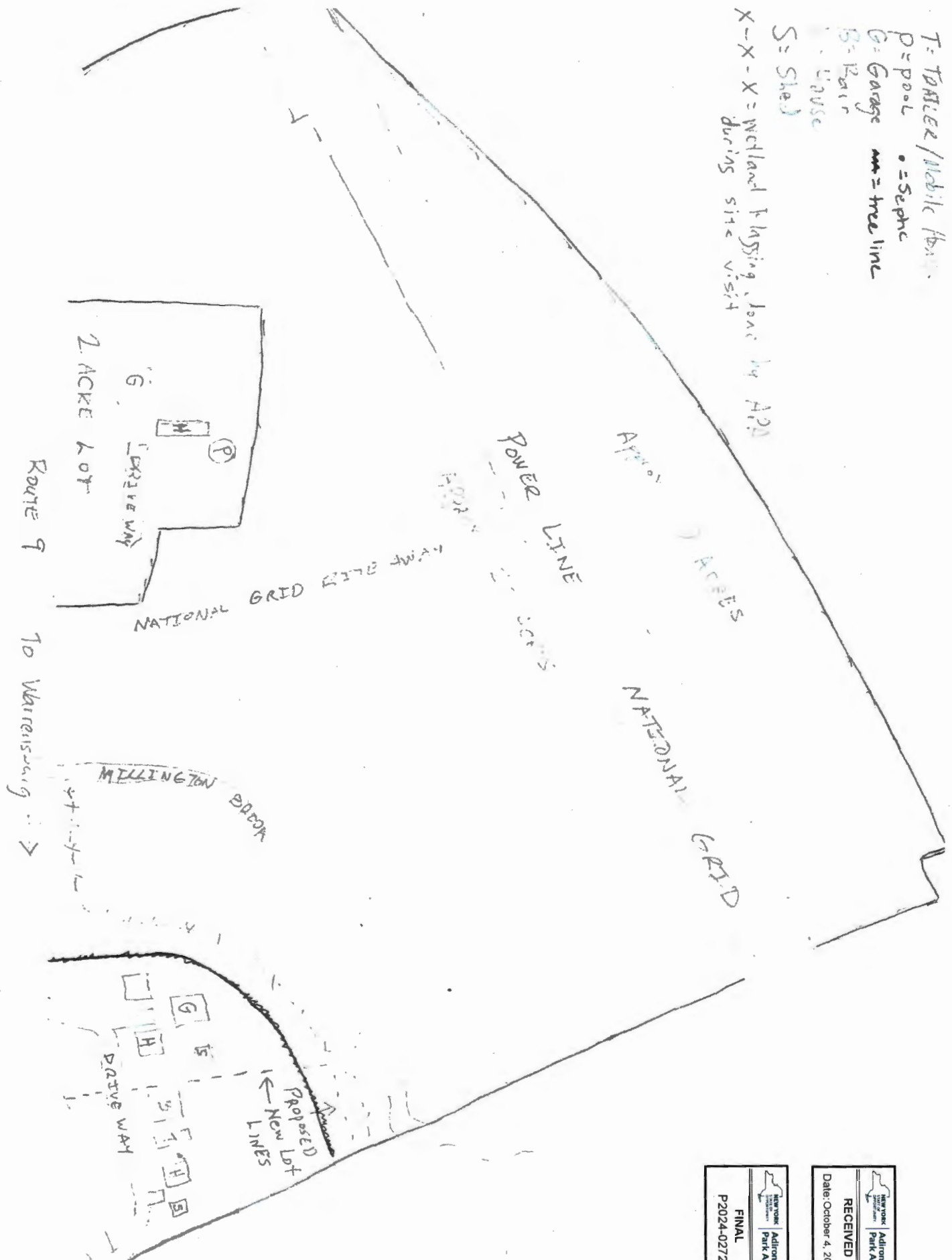
STATE OF NEW YORK  
COUNTY OF ESSEX

On the 10<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

Stephanie L. Petith  
Notary Public

T = Terrace / Mobile Hwy.  
 P = pool      • = Septic  
 G = Garage      m = tree line  
 B = Bath  
 L = Living Room  
 S = Shed  
 X-X-X = Wetland Flushing, done by APP during site visit



RECEIVED  
 Date: October 4, 2024

FINAL  
 P2024-0272