


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</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 2024-0305</p>
<p>In the Matter of the Application of</p> <p>SOLAR PINES, INC. Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: December 5, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Solar Pines, Inc.</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Keene, 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 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 an 8.1±-acre parcel of land located on NYS Route 73 and Airport Road in the Town of Keene, Essex County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 62.2, Block 1, Parcel 34, and is described in a deed from Esther E. Berezofsky a/k/a Esther E. Bevezofsky to Solar Pines, Inc., dated November 15, 2021, and recorded in the Essex County Clerk's Office under Book 2063, Page 111.

The project site contains wetlands.

The project site is improved by a single family dwelling constructed in 2023 and a bike path. The bike path on the project site was constructed pursuant to Agency Permit 2021-0291 and is described in a grant of easement and right-of-way from Esther Berezofsky to Town of Keene, dated November 2, 2021, and recorded in the Essex County Clerk's Office under Book 2058, Page 255.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the project site to create:

- a ±7 acre lot improved by the existing single family dwelling and bike path (Lot 1); and
- a ±1.1 acre vacant lot (Lot 2).

The project is shown on a plan titled, "Sketch Map Prepared for Solar Pines, INC.," prepared by Kevin A. Hall, L.S, dated and received by the Agency on November 13, 2024, (Sketch Plan). A reduced-scale copy of the Sketch 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 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 the Sketch 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, Wild, Scenic and Recreational Rivers System 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 2024-0305, issued December 5, 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 Sketch Plan. Any subdivision of the project site not depicted on the Sketch Plan shall require a new or amended permit.
6. The construction of any additional dwelling or other principal building on Lot 1 shall require a new or amended permit. The undertaking of any other new land use or development on Lot 1 shall require prior written Agency authorization. The undertaking of any activity involving wetlands shall also require a new or amended permit.
7. The undertaking of any new land use or development on Lot 2 shall require a new or amended permit.
8. Prior to construction of any on-site wastewater treatment system(s) on Lot 2, 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 New York State Department of Health's "Wastewater Treatment Standards for Individual Household Systems" (10 NYCRR Appendix 75 A) the Agency's Project Guidelines for Residential On-Site Wastewater Treatment, and with Agency standards in 9 NYCRR Appendix Q4.

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.

9. There shall be no more than five principal building(s) located on Lot 1 at any time. The single family dwelling constructed on Lot 1 in 2023 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
10. There shall be no more than one principal building located on Lot 2.

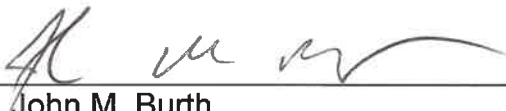
CONCLUSIONS OF LAW

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, 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 Moderate Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate 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 5th day of December, 2024.

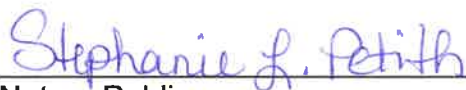
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 5th 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

NOTE: N.Y.S. GRID NORTH 1983 DATUM BY GPS OBSERVATIONS

~ MAP REFERENCE ~

#1. MAP OF SURVEY SHOWING LANDS IN THE ESTATE OF SETH N. HOLT AS SET-OFF INTO 9 PARCELS, BY SPENCER J. JOHNSTON, L.S., DATED APRIL 6, 1983 AND FILED IN THE ESSEX COUNTY CLERK'S OFFICE AS MAP No. 1411.

TMP# 62.2-1-30.002
TIMOTHY FRITZINGER
BK. 1663 PG. 329 ~ MAY 26, 2010
FROM
BROOKHOLL TRUST

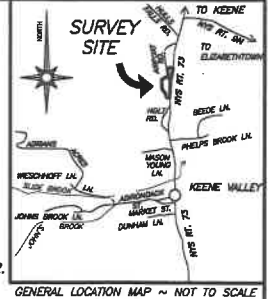
TMP# 62.2-1-42.000 JACK G. BLAIR
1421/208

TMP# 62.2-2-12.000
AMANDA D. ELY
BK. 1956 PG. 259
JULY 3, 2019
FROM
CHRISTOPHER JOHN FEY &
HEATHER ODELL-FEY

NORTH PART OF
TMP# 62.2-1-34

LOT 2
1.1± AC.
SET-OFF "F"
1.3± AC.
MAP REF. #1
D.H.T.P.
SEE NOTES #8 & #9
GRAVEL PARKING

TMP# 62.2-2-10.000
SET-OFF "H"
MAP REF. #1
JOHN G. FRITZINGER, JR.
BK. 1002 PG. 323
NOV. 13, 1991
FROM
WILLIAM O. HUNES



RECEIVED
Date: November 13, 2024

~ LEGEND ~

- APPROXIMATE PROPERTY LINE
- CURRENT TITLE LINE
- A1 A2 B1 B2
— ADJACENT METLANDS
SEE NOTE #4
- EDGE OF PAVING
- GRAVEL ROAD
- BIKE PATH - SEE NOTE #7
- APPROXIMATE EDGE OF WOODED AREA
- UTILITY POLE & CUY ANCHOR
— OVERHEAD WIRES
- APPROXIMATE EDGE OF RIVER
- BOTTOM OF BANK
- TMP# 62.2-1-34.000
TAX MAP No. AS OF 2024
- LARGE STONES
- 2" OAK TREE

Adirondack Park Agency
FINAL
P2024-0305

~ TITLE DATA ~

TMP# 62.2-1-34.000

FORMERLY
ESTHER E. BEZEOFOSKY
PARCEL 2
BK. 2054 PG. 132 ~ SEPTEMBER 16, 2021
FROM
G. BEVERIDGE AARON
A/K/A GLOSTER B. AARON

FORMERLY
GLOSTER BEVERIDGE AARON &
ESTHER BEZEOFOSKY
PARCEL 2
BK. 1421 PG. 9 ~ NOVEMBER 2, 2004
FROM
ESSEX COUNTY

FORMERLY
ESSEX COUNTY
BK. 1413 PG. 194 ~ AUGUST 30, 2004
FROM
MICHAEL C. DISKIN, Co. TREASURER
*PROPERTY TAKEN FOR BACK TAXES

FORMERLY
G. BEVERIDGE AARON
BK. 804 PG. 141 ~ FEBRUARY 1, 1984
FROM
K. H. E. BRAMWELL

FORMERLY
K. H. E. BRAMWELL
1ST PARCEL
BK. 525 PG. 79 ~ JANUARY 4, 1972
FROM
ROBERT F. & JEAN L. HOLT &
HARVEY S. & JEAN W. HOLT.

SKETCH MAP

PREPARED FOR
SOLAR PINES, INC.

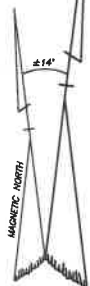
SHOWING A PROPOSED TWO LOT SUBDIVISION OF THE PROPERTY DESCRIBED IN A DEED DATED NOVEMBER 15, 2021 FROM ESTHER E. BEZEOFOSKY TO SOLAR PINES, INC. AND RECORDED IN E.C.C.O. DEED BK. 2053 AT PG. 111 FOR USE IN THE ADIRONDACK PARK AGENCY J.I.F. PROCESS.

LOCATED IN LOT 21 IN NATHANIEL MALLORY'S GRANT
TOWN OF KEENE ~ COUNTY OF ESSEX ~ STATE OF NEW YORK
SCALE 1" = 100'

PRELIMINARY
NOVEMBER 13, 2024

KEVIN A. HALL
LAND SURVEYOR
ELIZABETHTOWN, N.Y.
LS #49787

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, SIGNED AND DATED BY RED INK AND MARKED WITH THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.



TMP# 62.2-1-32.000
NORBERT J. & SUSAN S. WOODS
BK. 923 PG. 115 ~ SEPTEMBER 1, 1988
FROM
MASON WOODIN, JEAN MASON DAGNEY, & MARY HOPE MASON

TMP# 62.2-1-33.112
CLAYTON T. BEDWELL & EMILIE C. FOSNOCHT
BK. 2062 PG. 8 ~ NOVEMBER 4, 2021
FROM
G. BEVERIDGE AARON A/K/A GLOSTER B. AARON

TMP# 62.2-1-33.113
GLOSTER B. AARON, JR.
BK. 1844 PG. 283 ~ JULY 22, 2010
FROM
ELIZABETH ANNE & WILLIAM WATTS AARON

TMP# 62.2-1-35.000
HANNAY WOODWINDS, LLC
BK. 2109 PG. 208 ~ DECEMBER 6, 2022
FROM
FELICITY HANNAY

SOUTH PART OF
TMP# 62.2-1-34.000
LOT 1
7± AC.
SET-OFF "G"
8.8± AC.
MAP REF. #1
SEE NOTE #9

TMP# 62.2-2-9.000
SET-OFF "J"
MAP REF. #1
JAMES PATRICK RADICAN &
TERRENCE JOSEPH RADICAN
BK. 1822 PG. 39 ~ DECEMBER 11, 2015
FROM
BARBARA MURPHY WASHBOND

TMP# 62.2-1-36.000
SABRA G. URJOHN TRUST
BK. 1175 PG. 316
MAY 13, 1998
FROM
SABRA G. URJOHN

~ NOTES ~

- #1 UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBSECTION 2, OF THE NEW YORK STATE EDUCATION LAW.
- #2 ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, SIGNED AND DATED IN RED INK AND MARKED WITH THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
- #3 "ASSUMED ROAD BOUNDS" INDICATES THAT LIMITED WORK HAS BEEN DONE TO ATTEMPT TO DETERMINE THE TRUE LEGAL BOUNDS OF THE ROAD SHOWN HEREON.
- #4 WETLANDS SHOWN HEREON WERE FLAGGED IN THE FIELD BY KELLY MCKEAN OF THE A.P.A. STAFF IN SEPTEMBER 2021, FOR A.P.A. DETERMINATION J2021-1029 DATED NOV. 16, 2021.
- #5 UNDERGROUND UTILITIES NOT SHOWN HEREON.
- #6 SEE A.P.A. J2021-1029 DATED NOVEMBER 16, 2021 FOR CONSTRUCTION OF THE SINGLE FAMILY DWELLING AND GARAGE.
- #7 PROPERTY IS SUBJECT TO A.P.A. PERMIT P2021-0291 ISSUED JULY 19, 2022 RECORDED AT E.C.C.O. AS INSTRUMENT #2022-3863 FOR THE CONSTRUCTION OF A WOODEN PATHS THROUGH WETLANDS. EASEMENT & RIGHT OF WAY GRANTED TO THE TOWN OF KEENE BY DEED BOOK 2053 AT PAGE 255 DATED NOVEMBER 2, 2021.
- #8 TEST PIT FINDINGS FOR PROPOSED SEPTIC SYSTEMS WERE OBSERVED AND RECORDED BY ARON ZEIMANN FROM THE A.P.A. STAFF ON NOVEMBER 8, 2024 AS PART OF THE PERMIT PROCESS PERTAINING TO A.P.A. PERMIT No. 2024-0305.
- #9 THE PROPOSED TWO LOT SUBDIVISION SHOWN HEREON IS SUBJECT TO A.P.A. PERMIT No. 2024-0305. NO DEVELOPMENT IS PROPOSED ON LOT 2 WITHOUT PRIOR A.P.A. & TOWN REVIEW.

