


THIS IS A TWO-SIDED DOCUMENT

 <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 2024-0309</p>
<p>In the Matter of the Application of</p> <p>MARK KURTZ Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued: December 26, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. Mark Kurtz</p>

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 Franklin, 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 7.34-acre parcel of land located on Fletcher Farm Road in the Town of Franklin, Franklin 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 399, Block 1, Parcels 20.200 and 19, and is described in a deed from M. Macfarland Fish to Mark Kurtz dated August 9, 1996 and recorded in the Franklin County Clerk's Office at Book 785, Page 105 on August 28, 2001, and Ralph Feliciano and Claudia Feliciano to Mark Kurtz dated August 28, 2001 and recorded in the Franklin County Clerk's Office at Book 784, Page 235 on September 19, 2001.

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 2" in a eight-lot subdivision as authorized by Agency Permit 78-411. Tax Map Parcel (TMP) 399-1-19 is improved by a single family dwelling with associated on-site waste water treatment system.

PROJECT DESCRIPTION

The project as conditionally approved herein involves subdivision of Tax Map Parcel 399-1-20.200 to create a 1.1-acre vacant lot to be merged with TMP399.-1-19. No development is proposed or authorized on the remaining 5.35 acres.

The project is shown on a one page Site Plan titled "Mark P Kurtz," prepared by Leifheit & Littlefield Land Surveying, PLLC, and dated July 16, 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 of Low Intensity Use lands that results in the creation of a non-shoreline lot smaller than 2.75 acres in size 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 Project Plans 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.

4. 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].
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 2024-0309, issued December 26, 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. Within 30 days of conveyance of Lot 1, a new deed shall be filed in the Franklin County Clerk's office describing Lot 1 and TMP 399-1-19 as a single, un-divided lot.
8. The construction of any single family dwelling or other principal building on Lot 2 shall require prior written Agency authorization.
9. Installation of any on-site wastewater treatment system(s) on Lot 2 shall require prior written Agency approval.
10. There shall be no more than one principal building located on the single, un-divided lot comprised of Lot 1 and TMP 399-1-19 at any time. The single family dwelling constructed on the property in 1990 constitutes a principal building.
11. There shall be no more than two principal buildings located on Lot 2 at any time. 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 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 land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity 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.

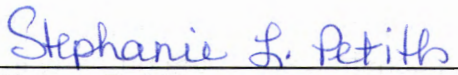
PERMIT issued this 26th day
of December, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 26th 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.


Notary Public

Stephanie L. Petith
Notary Public, State of New York
Reg. No. 01PE0279890
Qualified in Franklin County
Commission Expires April 15 2025

RECEIVED
Date November 5, 2024
Addressed
Part Agency

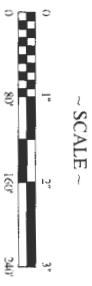
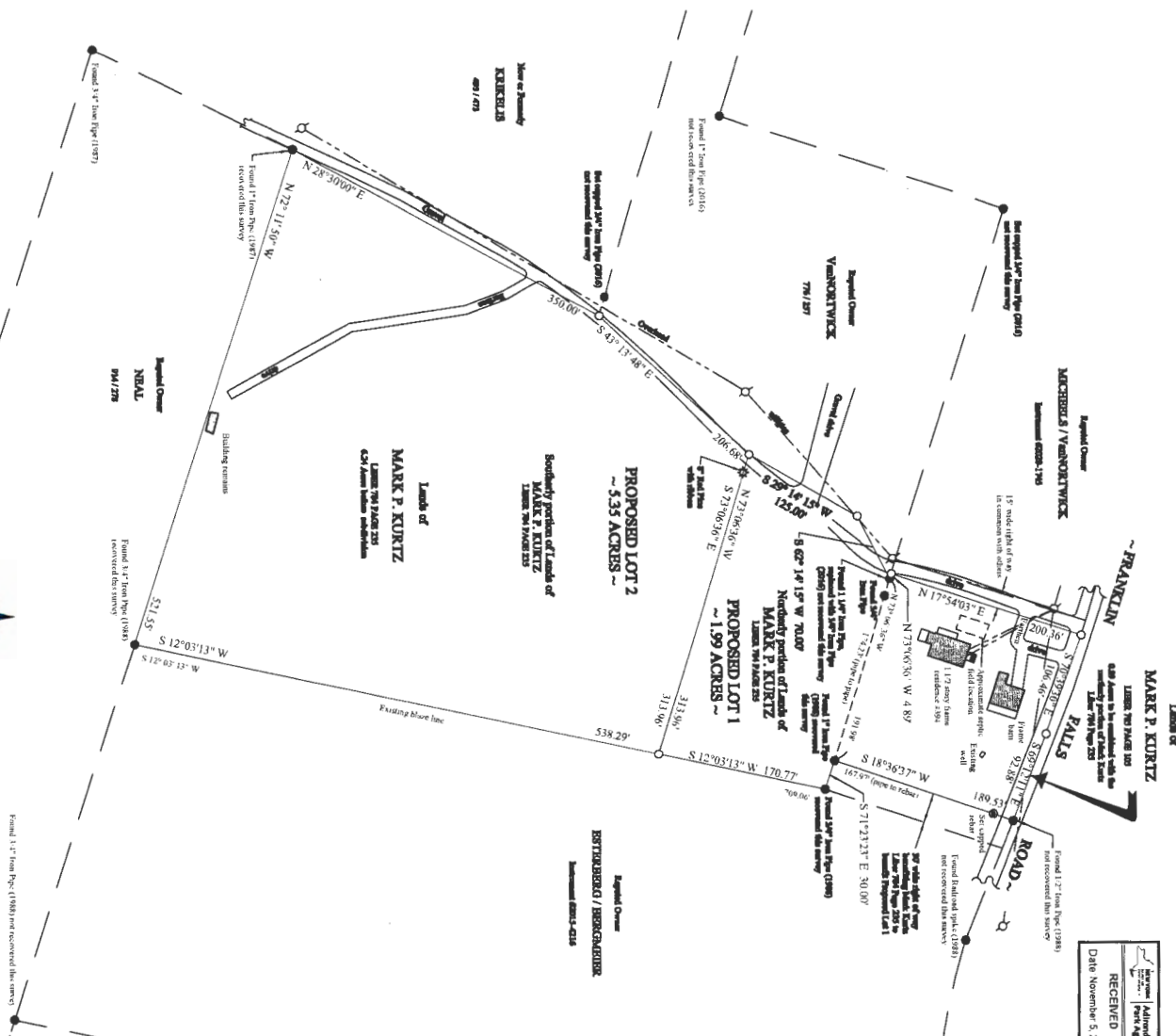
FINAL
P2024-0008
Part Agency

RECEIVED
Date November 5, 2024
Addressed
Part Agency

PRELIMINARY



Map completed on July 16, 2024
Survey completed on June 20, 2024



5581 NYS Route 80, Jay, New York 12941
93 Park Street, Upper Lake, New York 12986
dean@leहित.com
Office 518-232-5270
Succession to Leहित Land Surveying, PLLC - Christopher H. Leहित, L.S.

This survey was performed with the benefit of a current abstract of title by Liberty Abstract Company of Plattsburgh, Inc. - File No. 08-271688-C, dated May 1, 2024 (Applicable to parcel currently owned by Mark P. Kurtz, Liber 785 at page 1051 and a current abstract of title by Liberty Abstract Company of Plattsburgh, Inc. - no File No., dated May 1, 2024)

It is a violation of the State Education Law for any person, unless acting under the direction of a licensed land surveyor, to alter in any way, Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7201, subdivision 2, of the New York State Education Law.

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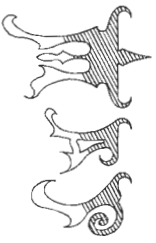
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Only title surveys bearing the makers embossed seal should be relied upon since other than embossed-seal copies may contain unauthorized and undetectable modifications, deletions, additions, and changes.

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MAP REFERENCES

- "MAP SHOWING SURVEY OF PROPERTY FOR CLAUDETTE AND FINE, BELLY & STEPHEN AND MARGARETT BANNONK," by Glen Adams, L.S., dated Nov. 19, 1976
- "MAP SHOWING SURVEY OF PROPERTY FOR WILLIAM ABRUZZI, M.D.," by David W. Mapak C.E., L.S., dated Sept. 1975
- "MAP SHOWING SURVEY OF PROPERTY FOR JOENI and SYLVIA HAVEN," by Christopher H. Leहित, L.S., dated November 9, 1987
- "MAP SHOWING SURVEY OF PROPERTY FOR JAGGINS, COXWOLD and AMY M. PARKER," by Christopher H. Leहित, L.S., dated October 1, 1988, revised on December 7, 1990
- "MAP SHOWING SURVEY OF PROPERTY FOR MARIE B. VAN NORTWICK," by Leहित Land Surveying, PLLC, dated June 22, 2016



SHOWING SURVEY AND SUBDIVISION
OF PROPERTY
FOR

MARK P. KURTZ

Situate in

LOT 202 - TOWNSHIP 10 - OLD MILITARY TRACT
TOWN OF FRANKLIN
COUNTY OF FRANKLIN
STATE OF NEW YORK