


THIS IS A TWO-SIDED DOCUMENT

 <b>Adirondack Park Agency</b>  P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	APA Permit <b>2024-0352</b>
In the Matter of the Application of  <b>JESSE JOSEPH BERUBE, JESSE JAY BERUBE, ELEANOR BERUBE; &amp; THE SMITH FAMILY IRREVOCABLE TRUST</b> <b>Permittees</b>  for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578	Date Issued: February 27, 2025  To the County Clerk: Please index this permit in the grantor index under the following name(s): <b>1. Jesse Joseph Berube</b> <b>2. Jesse Jay Berube</b> <b>3. Eleanore Berube</b> <b>4. The Smith Family Irrevocable Trust</b>

**SUMMARY AND AUTHORIZATION**

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

This authorization shall expire unless recorded in the Washington 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 Agency will consider the project in existence when the permit has been recorded.

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 Washington County Clerk's Office.

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 376± acres of land located on Craig Road in the Town of Putnam, Washington County, in an area classified Low Intensity Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. The project site, depicted and described in a map recorded as Instrument 2021-13514 (Survey Map), is comprised of two parcels currently identified by Washington County as:

Tax Map Section 2, Block 1, Parcel 28 (Parcel 28), comprised of 305.7±-acres of land located north and south of Craig Road in the Town of Putnam, Washington County, in an area classified Resource Management and Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. Parcel 28 is currently described as the remaining lands described in a deed from William Howard Smith and Eleanor Ford Smith to The Smith Family Irrevocable Trust, dated December 19, 2002, and recorded in the Washington County Clerk's Office under Book 923, Page 235.

Tax Map Section 2, Block 1, Parcel 28.1 (Parcel 28.1), including:

- 34.1± acres of land located north of Craig Road in an area classified Resource Management and described in a deed from William H. Smith and Eleanor F. Smith to Jesse J. Berube and Eleanor Berube dated May 26, 1995, and recorded in the Washington County Clerk's Office under Book 732, Page 267 (34.1±-acre lot); and
- 36.3± acres of land located south of Craig Road in an area classified Resource Management described in a deed from The Smith Family Irrevocable Trust to Jesse J. Berube and Eleanor Berube, dated August 29, 2021, and recorded in the Washington County Clerk's Office as Instrument 2021-5281(36.3±-acre lot).

The project site contains emergent marsh coverytype wetlands associated with Charter Brook with a value of "2". Additional wetlands not described herein may be located on or adjacent to the project site.

The project site is improved by two single family dwellings.

Parcel 28 was created by subdivision as described by unrecorded and expired Agency Permit 2020-0219. The 36.3±-acre lot and the 34.1±-acre lot as described by the Survey Map are not currently merged by deed as required by Agency Permit 2020-0219. The project authorized herein resolves this matter.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of Parcel 28 to create:

- An 11.3±-acre lot comprised of a 4.3±-acre Resource Management portion located north of Craig Road; and a 7.3±-acre portion south of Craig Road that includes 3± acres of Low Intensity Use lands and 4.3± acres of Resource Management lands (11.3±-acre lot); and
- A 294±-acre lot.

The 11.3±-acre lot will be merged with the 34.1±-acre lot and the 36.3±-acre lot to create an 82±-acre lot.

The project is shown on the following Site Plans: Annotated County Maps in two sheets titled "Sketch Map 1" and "Sketch Map 2," and received by the Agency on January 16, 2025 (Site Plans). A reduced-scale copy of the Site Plans are 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 in a Resource Management 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 Washington 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 Site 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.
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 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 2024-0352, issued February 27, 2025, 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 Site Plans. Any subdivision of the project site not depicted on the Site Plans shall require a new or amended permit.
6. Within 30 days of conveyance of the 11.3±-acre lot, a new deed shall be filed in the Washington County Clerk's office describing the 11.3±-acre lot, the 34±-acre lot and the 36.3±-acre lot as a single, un-divided 82±-acre lot.

7. The Low Intensity Use portion of the 82±-acre lot shall not be conveyed separately from the Resource Management portion of the 82±-acre lot.
8. The Low Intensity Use portion of the 294±-acre lot shall not be conveyed separately from the Resource Management portion of the 294±-acre lot.
9. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit.
10. There shall be no more than one principal building located on the Resource Management portion of the 82±-acre lot at any time.
11. There shall be no more than five principal buildings located on the Low Intensity Use portion of the 82±-acre lot at any time. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
12. There shall be no more than two principal buildings located on the Resource Management portion of the 294±-acre lot at any time. The two single family dwellings constructed on the 294±-acre lot in approximately 1978 constitute two principal buildings.
13. There shall be no more than 91 principal buildings located on the Low Intensity Use portion of the 294±-acre lot 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, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision 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 and Resource Management land use areas;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use and Resource Management land use areas;
- 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 27<sup>th</sup> day of February, 2025.

ADIRONDACK PARK AGENCY

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

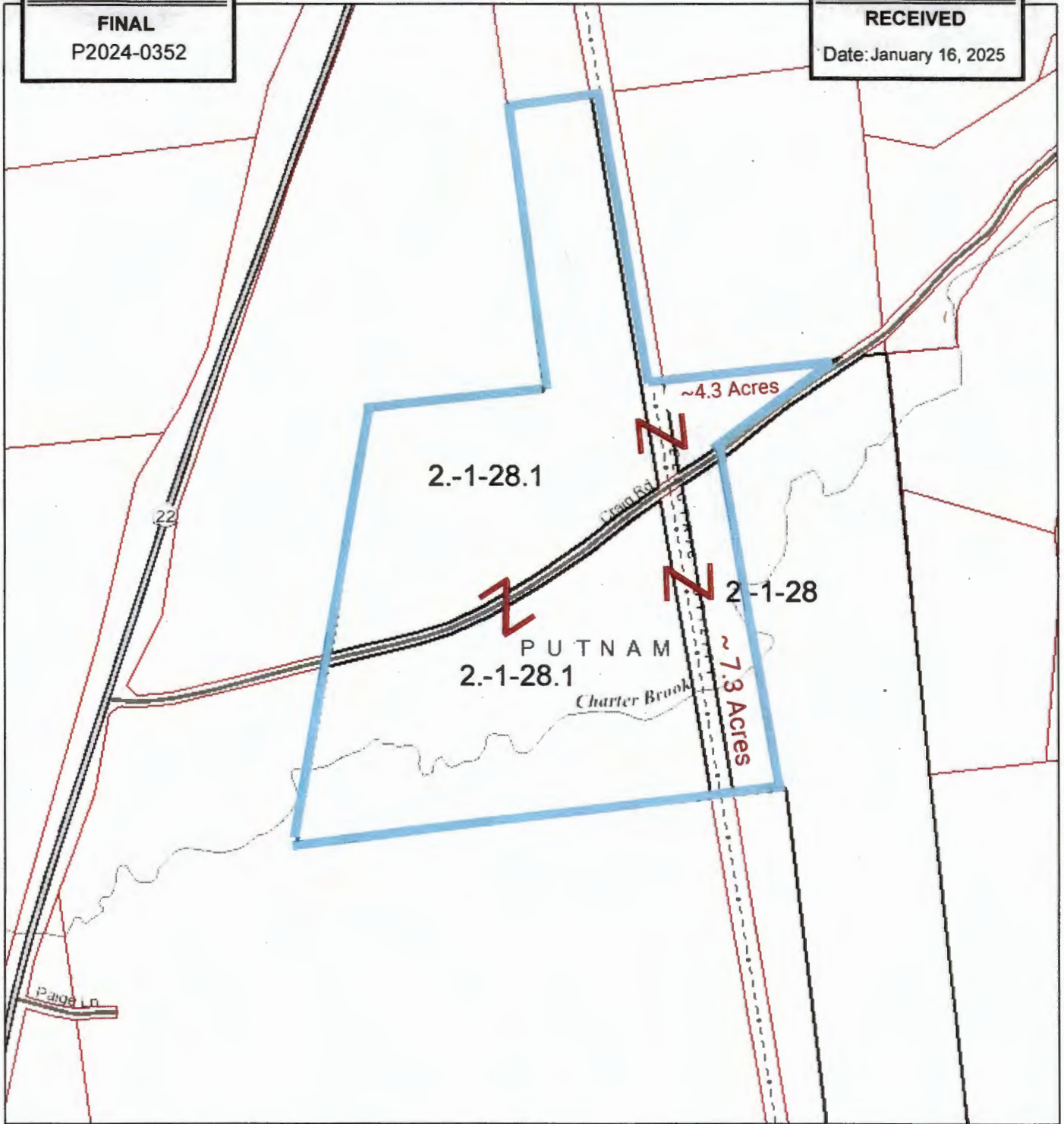
STATE OF NEW YORK  
COUNTY OF ESSEX

On the 27<sup>th</sup> day of February in the year 2025, 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

[Signature]  
Notary Public

# P2024-0352 Sketch Plan 1



1/14/2025, 11:52:08 AM

This is advisory only, not to be used to confirm exact boundary location or for determining Agency jurisdiction.

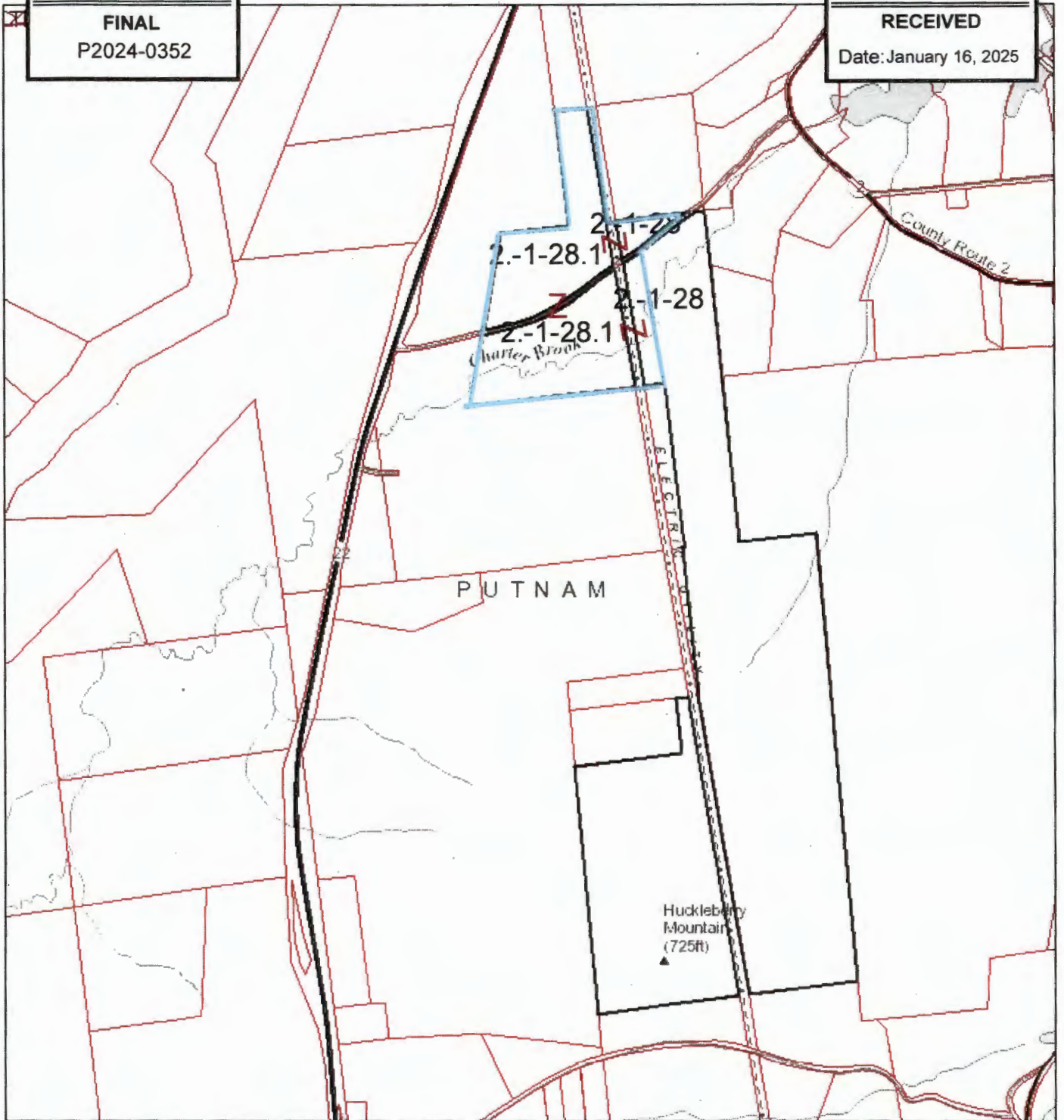
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- Temp Highlight Parcel(s)
- Parcels 2022
- Park Boundary Blueline

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

NYS Adirondack Park Agency

# P2024-0352 Sketch Plan 2



1/14/2025, 11:56:22 AM This is advisory only, not to be used to confirm exact boundary location or for determining Agency jurisdiction.

1:25,000

- Temp Highlight Parcel(s)
- Parcels 2022
- Park Boundary Blue line

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

NYS Adirondack Park Agency