


THIS IS A TWO-SIDED DOCUMENT

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <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>2022-0223</b></p>
<p>In the Matter of the Application of</p> <p><b>ALLEN FURNIA and SHERRI FURNIA 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 15, 2022</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. Allen Furnia</b></li><li><b>2. Sherri Furnia</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision and construction of one single family dwelling in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Black Brook, Clinton County.

This authorization shall expire unless recorded in the Clinton 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 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 22.20±-acre parcel of land located on Ore Bed Road in the Town of Black Brook, Clinton County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 263, Block 2, Parcel 17, and is described in a deed from Donald Wilson, as executor of the Estate of John D. Wilson, to Allen Furnia and Sherri Furnia, dated February 17, 2016, and recorded June 21, 2016 in the Clinton County Clerk's Office under Instrument Number 2016-00279685.

The project site also contains freshwater forested, shrub and emergent wetlands along the inlet of Mud Pond, as shown on the Site Plan. 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 a single family dwelling, garage, and associated on-site wastewater treatment system.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision creating Lot 1, a 10±-acre lot with an existing single family dwelling, and Lot 2, a 12±-acre vacant residential building lot.

The project is shown on a map titled "Attachment B," received by the Agency on October 26, 2022 (Site Plan). A reduced-scale copy of the Site Plan is attached as 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 Clinton 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 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 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 2022-0223, issued December 15, 2022, 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 Plan. Any subdivision not depicted on the Site Plan shall require a new or amended permit.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on Lot 2 in the location shown on the Site Plan.

The single family dwelling shall be no more than 35 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The single family dwelling shall be less than 2500 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any expansion beyond these dimensions shall require prior written Agency authorization.

7. Construction of any guest cottage on the project site shall require prior written Agency approval.
8. There shall be no boathouses on the project site.
9. There shall be no docks on Lot 2.
10. No structures greater than 100 square feet in size shall be constructed within 75 feet, measured horizontally, of the mean high water mark of Mud Pond.
11. Prior to construction of any on-site wastewater treatment system 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 Clinton County Department of Health's "Clinton County Sanitary Code, Article IX," and the Agency's Project Guidelines for Residential On-Site Wastewater Treatment, and with Agency standards in 9 NYCRR Appendix Q-4.

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.

12. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.

13. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky, toward Mud Pond, or adjoining property.
14. All exterior building materials, including roof, siding and trim, of the dwelling shall be a dark shade of green, grey, or brown.
15. Within 75 feet of the centerline of Ore Bed Road, within 100 feet of wetlands, and within 15 feet of the top of steep slope shown on the Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on Lot 2 without prior written Agency authorization, except for a) within an area up to 25 feet in width for driveway construction and utility installations, b) within an area up to 4 feet in width, to allow for the establishment of a footpath providing access from the single family dwelling to Mud Pond, and c) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
16. The undertaking of any activity involving wetlands shall require a new or amended permit.
17. There shall be no more than one principal building located on Lot 1 at any time. The single family dwelling constructed on the property in 1976 constitutes a principal building.
18. There shall be no more than one principal building located on Lot 2 at any time. The single family dwelling authorized herein constitutes a principal building.


### **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 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 15<sup>th</sup> day  
of December, 2022.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 15<sup>th</sup> day of December in the year 2022, 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

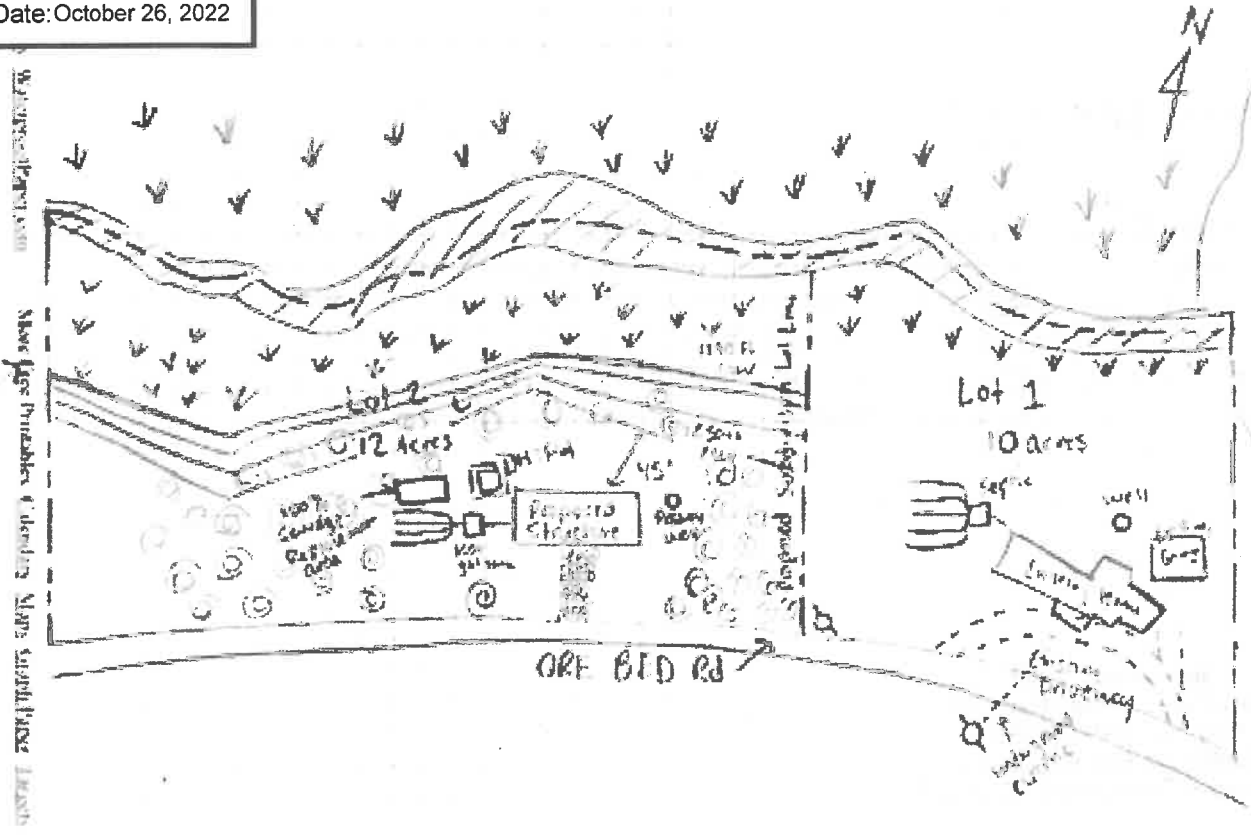
Stephanie L. Petith  
Notary Public, State of New York  
Reg. No. 01PE0279890  
Qualified in Franklin County  
Commission Expires April 15, 2025

1 of 2

Attachment B

NEW YORK STATE OF OPPORTUNITY  
**Adirondack Park Agency**  
**RECEIVED**  
 Date: October 26, 2022

NEW YORK STATE OF OPPORTUNITY  
**Adirondack Park Agency**  
**FINAL**  
**P2022-0223**



Proposed  
 /// /// wetland  
 + \* wetlands

Power Pole  
 // steep slope  
 ( ) wetland  
 [ ] - 10'  
 O well

**Test Pit #1 (44.587317 N; -73.778284 W)**

Date: October 12, 2022  
 Mapped Soil Series: Colton gravelly loamy coarse sand  
 Distance to nearest jurisdictional wetland > 100'  
 Distance to nearest existing or proposed well > 100'  
 Distance to nearest water body > 100'  
 Depth to Seasonal High Groundwater Table > 48"  
 Depth to bedrock or refusal > 72"  
 Depth of test pit = 72"  
 Slope = 0%

Horizon	Depth (inches)	USDA Texture	Munsell Color	Redoxymorphic Features
A	0-6	Sand	10yr 3/8, dark yellowish brown	No
Bw	6-23	Sand	10yr 5/3, brown	No
C	23-60+	Very cobbly coarse sand	10yr 5/2, grayish brown	No

Notes: Test Pit #1 was conducted in the approximate location shown on the attached map.