


**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>2022-0255</b></p>
<p>In the Matter of the Application of</p> <p><b>JOHN VANDERPLAAT THOMAS CONRAD 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. John Vanderplaat</b></li><li><b>2. Thomas Conrad</b></li></ol>

**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 Dresden, 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 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 22.7 acre parcel of land located on County Route 6 in the Town of Dresden, Washington 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 26, Block 4, Parcel 3.2, and is described in a deed from the Estate of Margaret Kapusinski to John J. Vanderplaat and Nancy Vanderplaat (deceased), dated August 19, 1994, and recorded August 31, 1994 in the Washington County Clerk's Office at Book 717, Page 196.

The project site contains forested needle-leaved evergreen wetlands with a value rating of "2". 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 telecommunications tower constructed on a leased parcel pursuant to Agency Permit 2010-0104 and a 1,400-square-foot storage barn. The project site was created as the "22.9-acre lot" in a two-lot subdivision as authorized by Agency Permit 2005-0115.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision, creating a 7.0±-acre parcel improved by the existing telecommunications tower (Lot 1) and a 15.8±-parcel improved by the existing storage barn (Lot 2). The tower will be accessed over an easement on Lot 2.

The project is shown on the following plan:

- "Map of a Proposed Subdivision of Lands of Vander Plaat made for Tom Conrad" (Site Plan), prepared by Van Dusen & Steves Land Surveyors, dated April 11, 2022.
- The easement is described in a three-page document titled Access Easement, received by the Agency October 13, 2022.

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.

**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 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. This permit amends and supersedes Permit 2005-0115 in relation to the project site. The terms and conditions of Permit 2005-0115 shall no longer apply to the project site.
5. All conditions in Permit 2010-0104 remain in full force and effect.
6. 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 2022-0255, issued December 15, 2022, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
7. 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.
8. Any deed of conveyance for Lot 1 shall contain a covenant restricting the property against the construction of any single family dwelling, mobile home, or other principal building as that term is defined under the Adirondack Park Agency Act. The deed shall state that the covenant shall run with, touch and concern the land, and that the covenant shall be enforceable by the Adirondack Park Agency, the State of New York.
9. Any deed of conveyance for Lot 2 as depicted on the Site Plan shall contain an easement providing access to the existing telecommunications tower on Lot 1 over the gravel road shown on the Site Plan and described in the Access Easement.
10. Construction of any structure on Lot 2 shall require prior written Agency approval.

11. 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 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.

12. 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 or toward County Route 6 or adjoining property.
13. The undertaking of any activity involving wetlands shall require a new or amended permit.
14. There shall be no principal buildings located on Lot 1.
15. There shall be no more than two principal building(s) located on Lot 2. 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, 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. Value 1: 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; Value 2: will result in minimal degradation or destruction of the wetland or its associated values, and: is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this 15<sup>th</sup> day  
of December, 2022.

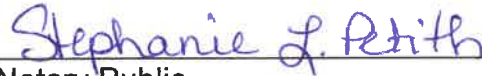
ADIRONDACK PARK AGENCY

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. 01PE6270880  
Qualified in Franklin County  
Commission Expires April 15, 2025

NO. DATE	1 08/11/22	NO. DATE	2 09/06/22
NO. DISTANCES		NO. DISTANCES	
DESCRIBE		DESCRIBE	

Map of a Proposed Subdivision of Lands of Vander Pelt, under the  
 Tom Conrad  
 Town of Dresden, Washington County, New York

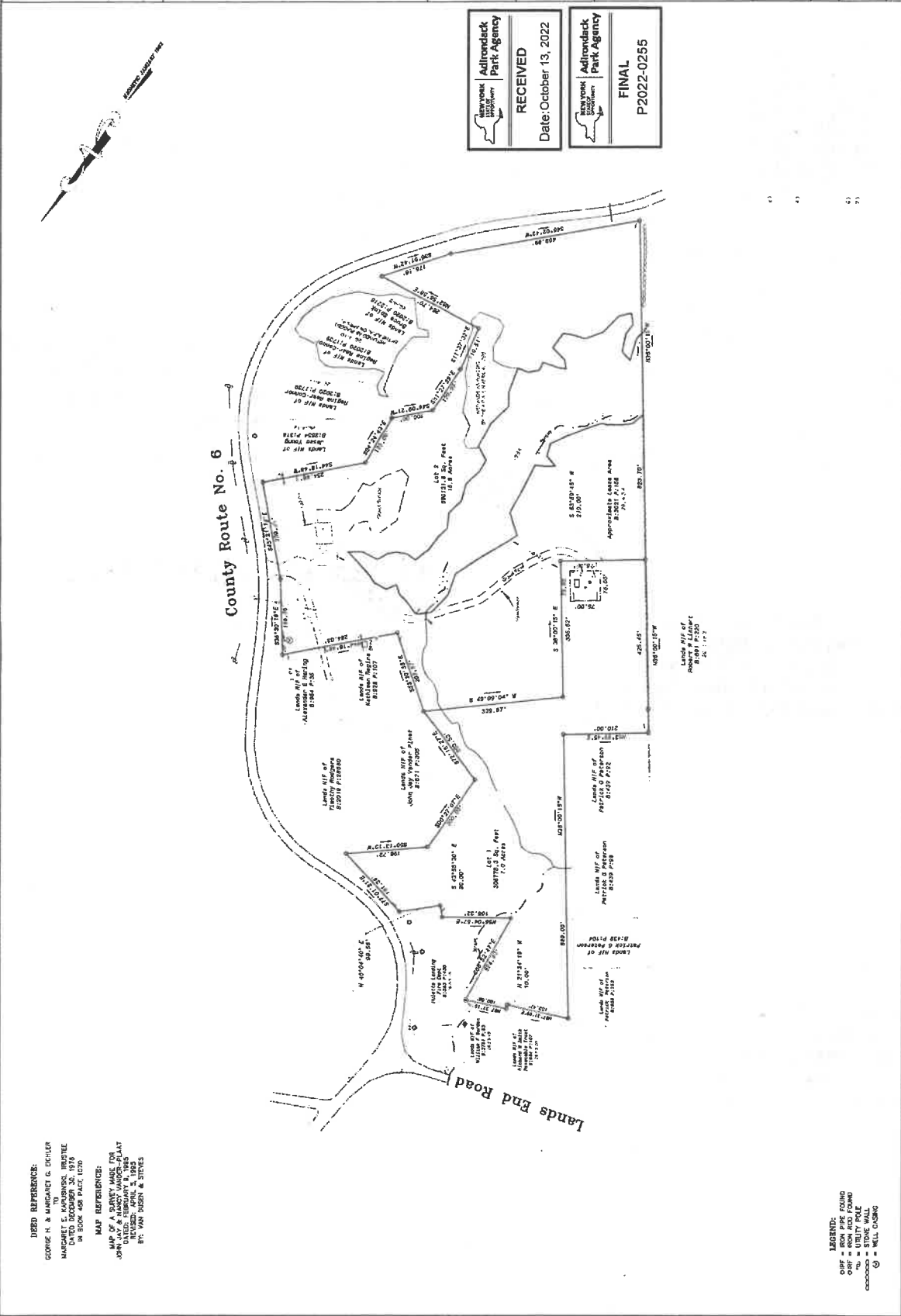
1601 BAYLARD ROAD  
 QUANTICO, NEW YORK 12554  
 NEW YORK 12554

Van Dusen  
 &  
 Steves  
 Land Surveyors

109 BAYLARD ROAD  
 QUANTICO, NEW YORK 12554  
 NEW YORK 12554

DATE: April 13, 2022  
 BOOK: P2022

S-1  
 SHEET 1 of 1



DEED REFERENCE:  
 GEORGE H. & MARGARET G. DICKER  
 MARGARET S. KARWINSKI, IRVING  
 DATED: NOVEMBER 30, 1976  
 IN 1899-1900 PART, 104

MAP REFERENCE:  
 MAP OF A SURVEY MADE FOR  
 JOHN W. VAN DUSEN & STEVES  
 DATED: FEBRUARY 8, 1988 PLAT  
 NO. 100-100-100  
 BY: VAN DUSEN & STEVES

LEGEND:  
 ○ IPF = IRON PIPE FOUND  
 ○ U = UTILITY POLE  
 ○ SW = STONE WALL  
 ○ = WELL CORNER

6-2211(4)2022