


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>2021-0002</b></p>
<p>In the Matter of the Application of</p> <p><b>NORMAN R. WELLS AND CHRISTINE WELLS</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: May 18, 2023</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. Norman R. Wells</b></li><li><b>2. Christine Wells</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 Chester, Warren County.

This authorization shall expire unless recorded in the Warren 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 Warren 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 110±-acre parcel of land located on Lane Road and Ted Wells Road in the Town of Chester, Warren County, in an area classified Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as the Rural Use portion of Tax Map Section 33, Block 2, Parcel 15 (Parcel 15) and Tax Map Section 33, Block 2, Parcel 17 (Parcel 17), described in a deed from Norman R. Wells to Christine P. Wells, dated November 30, 2007, and recorded in the Warren County Clerk's Office under Book 3449, Page 130.

The project site also contains wetlands. Additional wetlands not described herein or depicted on the Subdivision Plan may be located on or adjacent to the project site.

The project site is improved by accessory structures associated with a pre-existing single family dwelling that was removed in approximately 2021.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of Parcel 15 to create:

- A 84.69±-acre lot comprised of 24.69± acres of Parcel 15, (Lot 1) and Parcel 17, that is improved by accessory structures associated with the demolished single family dwelling; and
- A 24.65±-acre lot comprised of the Rural Use portion of Parcel 15; (Lot 2).

A portion of the project is shown on the following maps, plans, and reports dated April 26, 2023, and received by the Agency on April 27, 2023:

- "Map of a Proposed 2 Lot Subdivision," prepared by Darrah Land Surveying, PLLC, (Survey Plan); and
- "Wells Subdivision, Lane Road and Ted Wells Road, Chester (T) APA P2021-0002" a letter report in three pages by Hutchins Engineering, PLLC.

A reduced-scale copy of the Survey 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 Warren 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 Survey 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 2021-0002, issued May 18, 2023, 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 of the project site as depicted on the Survey Plan. Any subdivision of the project site not depicted on the Survey 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 and accessory structures on Lot 1 inside the existing vegetation clearing depicted by the "Edge of Woods" on the Survey Plan.

Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and accessory structures on Lot 2 inside the "Potential Clearing Limits" depicted on the Survey Plan.

The single family dwellings shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade.

7. Prior to construction of any on-site wastewater treatment system(s) on the project site, 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 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.

8. 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.
9. 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 Lane Road, Ted Nells Road or adjoining properties.
10. All exterior building materials, including roof, siding and trim, of any structure on the project site shall be a dark shade of green, grey, or brown.
11. Within 100 feet of the Edge of Woods and the Potential Clearing Limits depicted on the Survey Plan, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
12. The undertaking of any activity involving wetlands shall require a new or amended permit.


### **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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Chester;
- b. 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;
- c. 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
- d. 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 18<sup>th</sup> day  
of May, 2023.

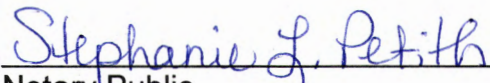
ADIRONDACK PARK AGENCY

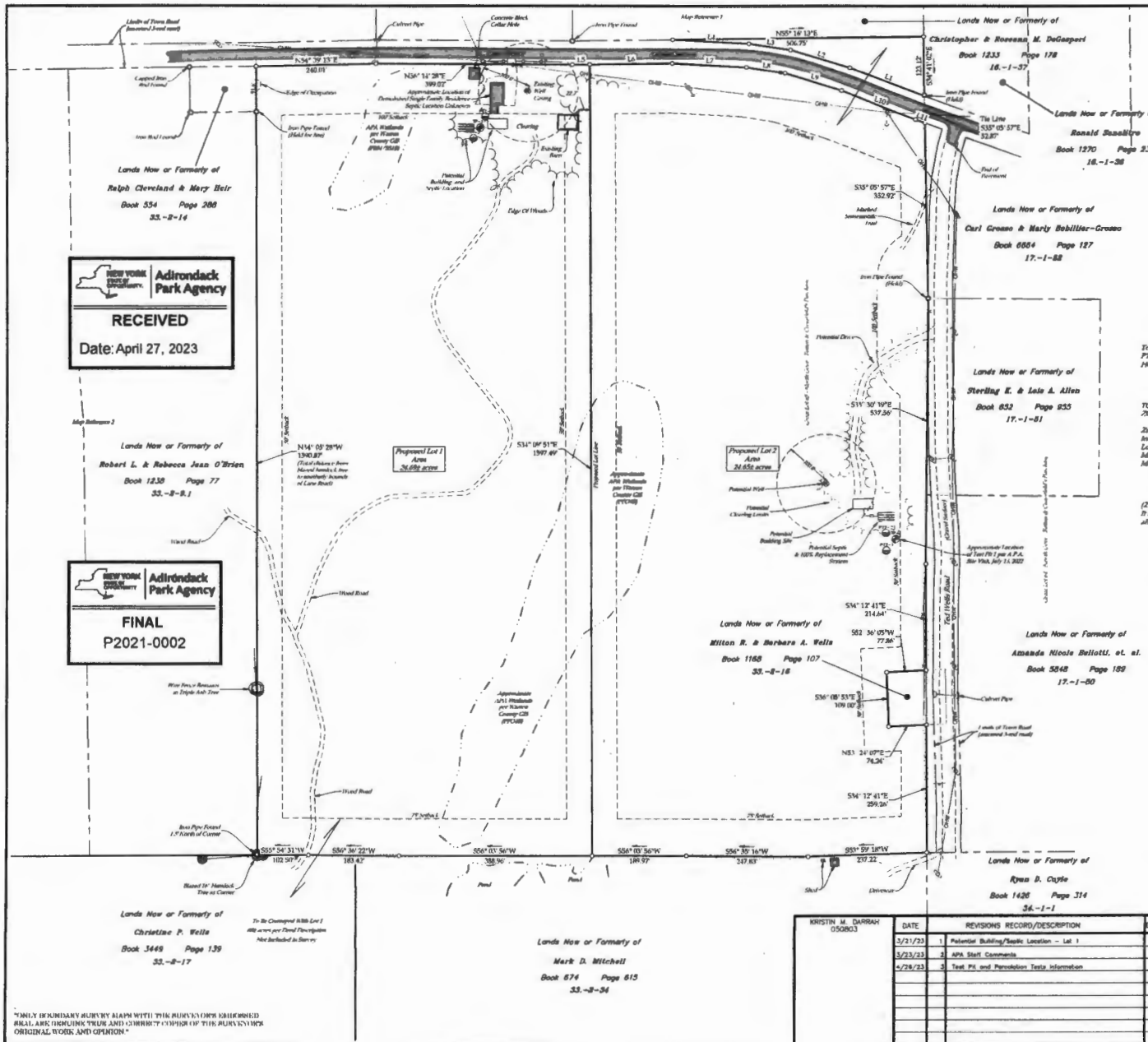
BY:   
John M. Burth  
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

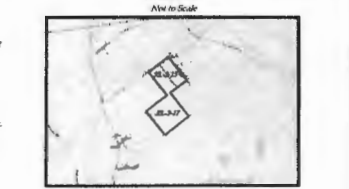
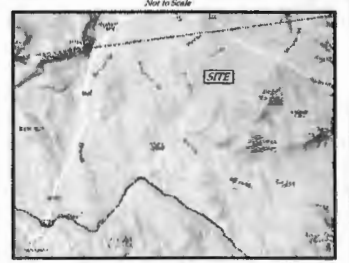
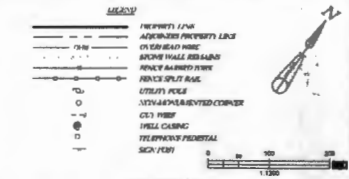
On the 18<sup>th</sup> day of May in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument 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



Line #	Direction	Length
L1	S27°21'09"W	158.56
L2	S71°29'09"W	125.44
L3	S47°57'09"W	85.00
L4	S99°02'30"W	138.27
L5	N08°16'11"E	131.87
L6	N03°16'11"E	164.92
L7	N09°02'30"E	152.13
L8	N04°07'50"E	79.73
L9	N27°23'09"E	120.08
L10	N77°21'09"E	157.43
L11	N59°27'30"E	19.40



Test Pit TP-1-L and Percolation Tests PT-1, PT-1-S, PT-2-S and PT-3-S Performed by Haskins Engineering, PLLC on April 21, 2023

**TOWN OF CHESTER ZONING REQUIREMENTS:**  
 Zoned: Rural Line Intensity: 0.2 acre/principal building  
 Lot Size: 1 acre  
 Minimum Lot Percentage: 300  
 Minimum Setbacks:  
 Front: 300  
 Side: 50  
 Rear: 75  
 (Zoning data is shown for informational purposes only. It is the responsibility of the Owner/Builder to verify all zoning requirements and setbacks.)

**MAP NOTES**

- Boundary information shown herein was compiled from map references 1 and 2 and an actual field survey conducted on November 01 & 04, 2022.
- North orientation and bearing base per Agreement Chester 2022.
- Warren County is parcel 51-2-15.
- The location of underground improvements or encroachments, if any exist, or as shown hereon, are not certified. There may be other underground utilities, the existence of which are unknown. Size and location of all underground utilities must be verified by the appropriate authority. The Underground Facility Protective Organization must be notified prior to conducting test borings, excavations and construction.
- This survey was prepared without the benefit of an up to date abstract of title.
- Reproduction or copying of this document may be a violation of copyright law unless permission of the author and / or copyright holder is obtained.
- A copy of this document without a proper application of the surveyor's seal should be assumed to be an unauthorized copy.
- Property corner measurements were not placed as a part of this survey unless otherwise noted.
- Total area of subject parcel surveyed = 43.316 acres.

**DEED REFERENCE:**

- Covergence in Christine P. Wells Irrevocable dated November 10, 2005; filed in the Warren County Clerk's Office on December 21, 2007 in Book 366P of Deeds at page 126.

**MAP REFERENCES:**

- Map entitled 'Map of lands of Donald E. & Kathleen Allen' prepared by Wayne R. Raymond, dated August 23, 1996. Deeds Land Surveying, PLLC owns the records of Wayne R. Raymond.
- Map entitled 'Map of a 2 Lot Subdivision for Robert L. & Rebecca Jean O'Brien', prepared by William E. Ransom, dated March 17, 2002, filed in the Warren County Clerk's Office on March 18, 2002 as Plat B/192.

**FOR PRELIMINARY REVIEW - APA Project 2021-0002**  
**Map of a Proposed 2 Lot Subdivision**  
 Lands Now or Formerly of  
**Christine P. Wells**

TOWN OF CHESTER WARREN COUNTY, NEW YORK

APPROVED-KMD  
 DRAFTED: DPM  
 CHECKED: KMD  
 PROJ. NO.: 22286  
 SCALE: 1"=100'  
 DATE: 02/04/2023

Darrah Land Surveying, PLLC  
 50 Lake Avenue, Lake Lasserre, New York 12848  
 Voice: (518) 788-4900  
 or (618) 651-9416

**22286-1**  
 SHEET: 1 OF 1  
 PROJ. NO.: 22286

**RECEIVED**  
 Date: April 27, 2023

**FINAL**  
 P2021-0002

"ONLY BOUNDARY SURVEY ALIQUOT WITH THIS SURVEYOR'S ENDORSED SEAL AND SIGNATURE AND CORRECT COMPLETION OF THIS SURVEYOR'S ORIGINAL WORK AND OPERATION"