


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <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 2022-0265</p>
<p>In the Matter of the Application of</p> <p>JOAN COLE BRENDA WELLS Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: February 15, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Joan Cole 2. Brenda Wells</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a three-lot subdivision in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Ticonderoga, Essex County.

This authorization shall expire unless recorded in the Essex 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.

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 26.8± acres of land located on Killicut Mountain Road in the Town of Ticonderoga, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is comprised of three parcels, identified as Tax Map Section 139.3, Block 2, Parcels 45, 46.552, and 59.

Parcel 46.552 is described in a deed from Donald A. Olcott to Charles Cole and Joan Cole, dated July 12, 1990, and recorded September 28, 1990 in the Essex County Clerk's Office at Book 976, Page 80. Parcel 45 is described in a deed from Claude Peters to Charles Cole and Joan Cole recorded in 1961 in the Essex County Clerks Office at Book 388, Page 237.

Parcel 59 is described in in a deed from Charles D. Cole and Joan M. Cole to Joseph H. Wells and Brenda M. Wells, dated June 19, 2003, and recorded June 24, 2003 in the Essex County Clerk's Office at Book 1346, Page 41.

The project site contains the following improvements:

- Parcel 46.552 is improved by a circa 1989 mobile home and accessory structures.
- Parcel 45 is improved by a preexisting single family dwelling and accessory structures.
- Parcel 59 is improved by a circa 2003 single family dwelling and accessory structures.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a three-lot subdivision of Parcel 46.552 to create:

- Lot 1, a 9.9±-acre parcel with an existing mobile home;
- Lot 2, a 4.33±-acre vacant parcel;
- Lot 3, a 8.6±-acre vacant parcel.

Lot 2 will be merged with Parcel 59 to create a 6.33±-acre parcel with an existing dwelling.

Lot 3 will be merged with Parcel 45 to create a 10.6±-acre parcel with an existing dwelling.

No new development is currently proposed or authorized.

The project is shown on the following maps:

- "Map of Survey, Showing a Portion of Lands Now or Formerly of Charles and Joan Cole to be Conveyed to Joseph H. & Brenda M. Wells" (Site Plan), prepared by Porter Lad Surveying, dated December 4, 2010.

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 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 Essex 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. 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 2022-0265, issued February 15, 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 three-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.
6. Within 30 days of conveyance of Lot 2, a new deed shall be filed in the Essex County Clerk's office describing Lot 2 and Parcel 59 as a single, un-divided lot.
7. Within 30 days of the conveyance of Lot 3, a new deed shall be filed in the Essex County Clerk's office describing Lot 3 and Parcel 45 as a single, un-divided lot.
8. The construction of any dwelling or other principal building on the project site shall require prior written Agency authorization.
9. Installation of any on-site wastewater treatment system(s) on the project site shall require prior written Agency approval.
10. There shall be no more than two principal buildings located on Lot 1 at any time. The mobile home constructed on the property in 1989 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

11. There shall be no more than two principal buildings located on the merged parcel consisting of Lot 2 and Parcel 59 at any time. The single family dwelling constructed on the property in 2003 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
12. There shall be no more than one principal building located on the merged parcel consisting of Lot 3 and Parcel 45 in addition to the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations. 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 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; 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 15th day
of February, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 15th day of February 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.


Notary Public

Stephanie L. Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 20²⁵

DEED REFERENCES

- CHARLES D. COLE AND JOAN M. COLE TO JOSEPH H. WELLS AND BRENDA M. WELLS, DATED JUNE 18, 2010 AND FILED IN THE ESSEX COUNTY CLERK'S OFFICE IN BOOK 139.3 OF TOWNSHIP 41.
- DOUGLAS A. CLOUTY TO CHARLES D. COLE AND JOAN M. COLE, DATED JULY 12, 1990 AND FILED IN THE ESSEX COUNTY CLERK'S OFFICE IN BOOK #76 OF PAGES AT PAGE 8A.

MAP REFERENCES

- LOCATION SURVEY ON PART OF THE TOWN OF TICONDEROGA KNOWN AS 72 UPPER BULL ROCK ROAD, TOWN OF TICONDEROGA COUNTY, NEW YORK, DATED JUNE 11, 2001, PROVIDED BY THE CLIENT'S SURVEYOR.

MAP NOTES

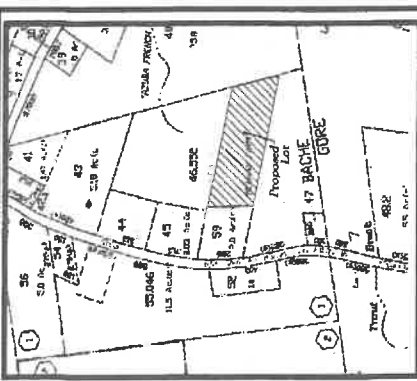
- UNLAWFUL ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
- ONLY SURVEY MAPS MARKED WITH AN EMBOSSED SEAL AND STORIED IN THIS MANNER SHALL BE CONSIDERED TO BE VALID COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.
- THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS AND THE EXACT LOCATION OF ANY ENCROACHMENTS MUST BE DETERMINED BY THE CLIENT'S SURVEYOR AND THE ENCROACHMENTS MUST BE MARKED AND NOTED BY THE CLIENT'S SURVEYOR.
- ADJOINING LAND OWNER AND PROPERTY INFORMATION FOR REFERENCE ONLY.
- THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.
- ANY CERTIFICATIONS LISTED HEREON ARE LIMITED TO THE REASONS FOR WHICH THE SURVEY IS PREPARED, TO THE TITLE COMPANY, AND TO THEIR LENDING INSTITUTION. THESE CERTIFICATIONS ARE NOT TRANSFERABLE.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLES AND IS SUBJECT TO ANY FACTS AND/OR CONDITIONS WHICH DOCUMENTS MAY REVEAL.
- BEFORE ANY POSITIVE TITLE AND/OR INTEREST TO ANY PORTION OF LAND STAND WITHIN OR ADJACENT TO THE BOUNDARY BOUNDS THAT MAY BE CHANGED FOR HIGHWAY AND/OR UTILITY PURPOSES.

Porter
LAND SURVEYING

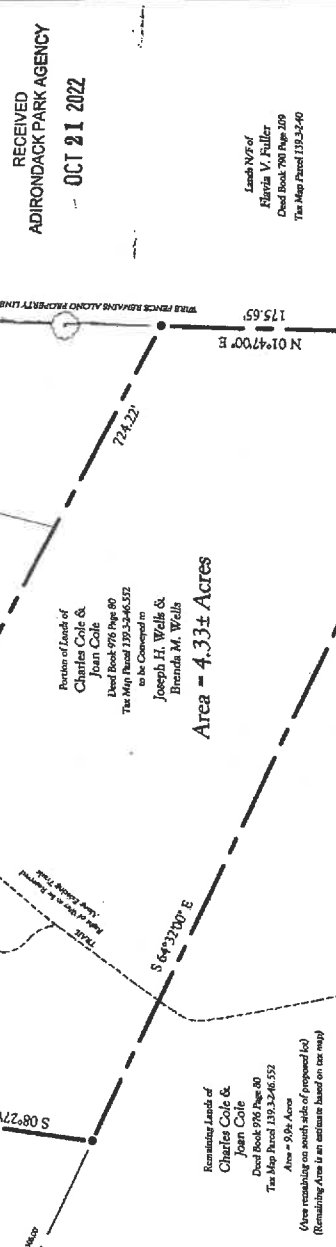
23 Highland Street
Essex, New York 13602
Tel: 610-860-7552
WWW.PORTERLANDSURVEYING.COM

Graphic Scale = 1" = 100'

MAGNETIC NORTH
OCTOBER 2010



Sketch Plan - Not to Scale
Town of Ticonderoga, Essex County, New York
Portion of Essex County Tax Map Section 139.03



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NEW YORK STATE
ADIRONDACK
PARK AGENCY

FINAL
P2022-0265

- LEGEND**
- EXISTING PROPERTY BOUNDARIES (Labeled)
 - WIRE FENCE REMAINS
 - WOOD FENCE (As Labeled)
 - AREA IN LINED (Where Not Represented)
 - MONUMENT SET OUT TO BE BURNED (Labeled)
 - PROPERTY LINE
 - OVERHEAD UTILITY POLE
 - UNCOMPLETED ANGLE POINT AND/OR CORNER
 - STRIKES
 - NEW OR FORMERLY

Map of Survey
Showing a Portion of Lands Now or Formerly of
Charles & Joan Cole
to be Conveyed to
Joseph H. & Brenda M. Wells
TOWN OF TICONDEROGA, ESSEX COUNTY, NEW YORK

Parcel 46.552
Block 2
Section 139.3 Tax Map

Shaine T. Porter, LS #050667

FIELD SURVEY OCTOBER 2010
MAP COMPLETED DECEMBER 4, 2010
PROJECT NUMBER: 01 - 2010 - 032

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