


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 2022-0287</p>
<p>In the Matter of the Application of</p> <p>BRYON S. MORAN, KRISTA MORAN RODNEY S. MORAN, MICHAEL L. MORAN SUZETTE M. KOCHER, BRIDGET MORAN Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</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:</p> <ol style="list-style-type: none">1. Bryon S. Moran2. Krista Moran3. Rodney S. Moran4. Michael L. Moran5. Suzette M. Kocher6. Bridget Moran

This permit supersedes un-recorded Permit 2022-0287, issued by the Agency on February 1, 2023.

SUMMARY AND AUTHORIZATION

This permit authorizes subdivisions in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Towns of Willsboro and Lewis, 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 a 277±-acre property located on Reber Road in the Towns of Willsboro and Lewis, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is comprised of four parcels, identified as Tax Map Section 39.1, Block 1, Parcels 1.100 and 1.200, located in the Town of Willsboro and Tax Map Section 38.2, Block 1, Parcels 8 and 9 in the Town of Lewis.

Parcel 1.1 is described in a deed from Beverly Moran to Rodney S. Moran, dated October 5, 2017, and recorded October 20, 2017 in the Essex County Clerk's Office at Book 1891, Page 104.

Parcel 1.2 is described in a deed from Leamon S. Moran and Beverly P. Moran to Bryon Scott Moran and Krista Moran, dated February 23, 2004, and recorded February 25, 2004 in the Essex County Clerk's Office at Book 1392, Page 51.

Parcels 8 and 9 are described in a deed from Beverly P. Moran to Bryon Scott Moran, Michael Leamon Moran, Suzette M. Kocher and Rodney Steven Moran, dated April 4, 2022, and recorded April 21, 2022 in the Essex County Clerk's Office at Book 2080, Page 167.

The project site contains scrub shrub and emergent wetlands associated with a stream on Parcels 8, 9 and 1.100. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site contains the following improvements as follows:

- Parcel 1.1 is improved by a circa 2018 mobile home and pre-existing agricultural use structures. There was a pre-existing single family dwelling on Parcel 1.1 that burned in 1994.
- Parcel 1.2 is improved by a circa 2004 single family dwelling and garage.
- Parcels 8 and 9 are vacant and currently used for agriculture.

PROJECT DESCRIPTION

The project as conditionally approved herein involves three, two-lot subdivisions, creating the following:

- Parcel A, comprised of 4.3± acres from Parcel 8;
- Parcel B, comprised of 7.1± acres from Parcel 1.1;
- Parcel C, comprised of 0.9± acres from Parcel 1.2; and
- Parcels A, B, and C will be merged to create a 12.3±-acre parcel that is improved by an existing mobile home.

The project is shown on the following map: "Map of Limited Survey, Prepared for Bridget Moran" (Site Plan), prepared by Kevin A. Hall, L.S. and dated February 14, 2023. 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.

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 2022-0287, 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 three, two-lot subdivisions and subsequent merger 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 Parcels A, B and C, a new deed shall be filed in the Essex County Clerk's office describing Parcels A, B & C as a single, un-divided lot. Any future subdivision of this un-divided lot shall require a new or amended permit.
7. The construction of any dwelling or other principal building on Parcel 8 outside of the limits of clearing shown on the Site Plan shall require prior written Agency authorization.
8. The undertaking of any activity involving wetlands shall require a new or amended permit.

9. Prior to construction of any on-site wastewater treatment system(s) on Parcel 8, 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 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.

10. 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.
11. There shall be no more than 12 principal buildings located on Parcel 8. 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 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 Willsboro;
- 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 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 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.

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


Notary Public

