


THIS IS A TWO-SIDED DOCUMENT

 <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>2022-0305</b></p>
<p>In the Matter of the Application of</p> <p><b>YOCHAI MAITAL &amp; DAFNA BAREKET</b> <b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: October 12, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Yochai Maital</b> <b>2. Dafna Bareket</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a construction of a single family dwelling in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Harrietstown, Franklin County.

This authorization shall expire unless recorded in the Franklin 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 Franklin County Clerk's Office. The Agency will consider the project in existence when an authorized single family dwelling as been constructed.

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 31.1±-acre parcel of land located on Mill Pond Road in the Town of Harrietstown, Franklin County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 433, Block 2, Parcel 7.100, and is described in a deed from Erin Sandmann to Yochai Maital and Dafna Bareket, dated February 22, 2022, and recorded in the Franklin County Clerk's Office under Instrument Number 2022-1090.

The project site contains shoreline on Lake Clear Outlet and contains a complex of evergreen scrub-shrub and forested wetlands, emergent wetlands, and aquatic wetlands associated with Lake Clear Outlet with a value rating of "1". Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site was created in a two-lot subdivision as authorized by Agency Permit P96-223.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of a four-bedroom single family dwelling, on-site water supply, on-site wastewater treatment system, and 420± foot-long driveway access from Mill Pond Road.

The project is shown on the following maps and plans (Project Plans):

- A survey map titled "Map Showing Site Plan of Property of Yochai Maital and Dafna Bareket," prepared by Leifheit & Littlefield Land Surveying, and dated August 11, 2023 (Site Plan);
- A plan sheet titled "Maital-Bareket Residence, Lake Clear, New York," prepared by Wiley Lavigne, P.E., and dated September 08, 2023 (OSWTS Plan); and
- A set of three architectural plan sheets titled "Maital-Bareket Residence, Lake Clear, New York," prepared by Maple Lane Design and Drafting, LLC, and dated June 19, 2023 (Architectural Plan).

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 the construction of any single family dwelling on Resource Management lands 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 Franklin 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 Project Plans 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 supersedes Agency Permit 96-223 in relation to the project site. The terms and conditions of Permit 96-223 shall no longer apply to the project site.
5. 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 2022-0305, issued October 12, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and driveway on the project site in the location, footprint, and height shown and as described on the Project Plans. Any change to the location or dimensions of any authorized structure or development shall require prior written Agency authorization.
7. The construction of any accessory structure outside of the building envelope depicted on the Site Plan shall require prior written Agency authorization.
8. Construction of any guest cottage on the project site shall require prior written Agency authorization.
9. There shall be no docks or boathouses on the project site.
10. No structures greater than 100 square feet in size, shall be constructed within 100 feet, measured horizontally, of the mean high water mark of the Lake Clear Outlet.
11. Any on-site wastewater treatment system(s) on the project site installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the Project Plans.

Construction of the system shall be supervised by a New York State design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

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 or toward the Lake Clear Outlet, Mill Pond Road, or adjoining property.
14. All exterior building materials, including roof, siding and trim, of the dwelling authorized herein shall be a dark shade of green, grey, or brown.
15. Within 100 feet of the building envelope depicted on the Site Plan, no trees greater than 6 inches in diameter at breast height may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the construction of the onsite-wastewater treatment system depicted on the site plan and removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
16. Within 100 feet of wetlands, no 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.
17. The undertaking of any activity involving wetlands shall require a new or amended permit.
18. There shall be no more than one principal building located on the project site at any time. The single family dwelling authorized herein constitutes a principal building.

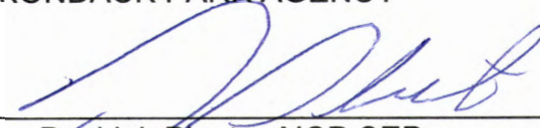
**CONCLUSIONS OF LAW**

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 Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management 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 12<sup>th</sup> day of October, 2023.

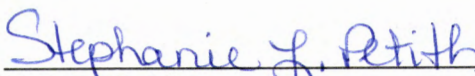
ADIRONDACK PARK AGENCY

BY:   
David J. Plante, AICP CEP  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 12<sup>th</sup> day of October in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, 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

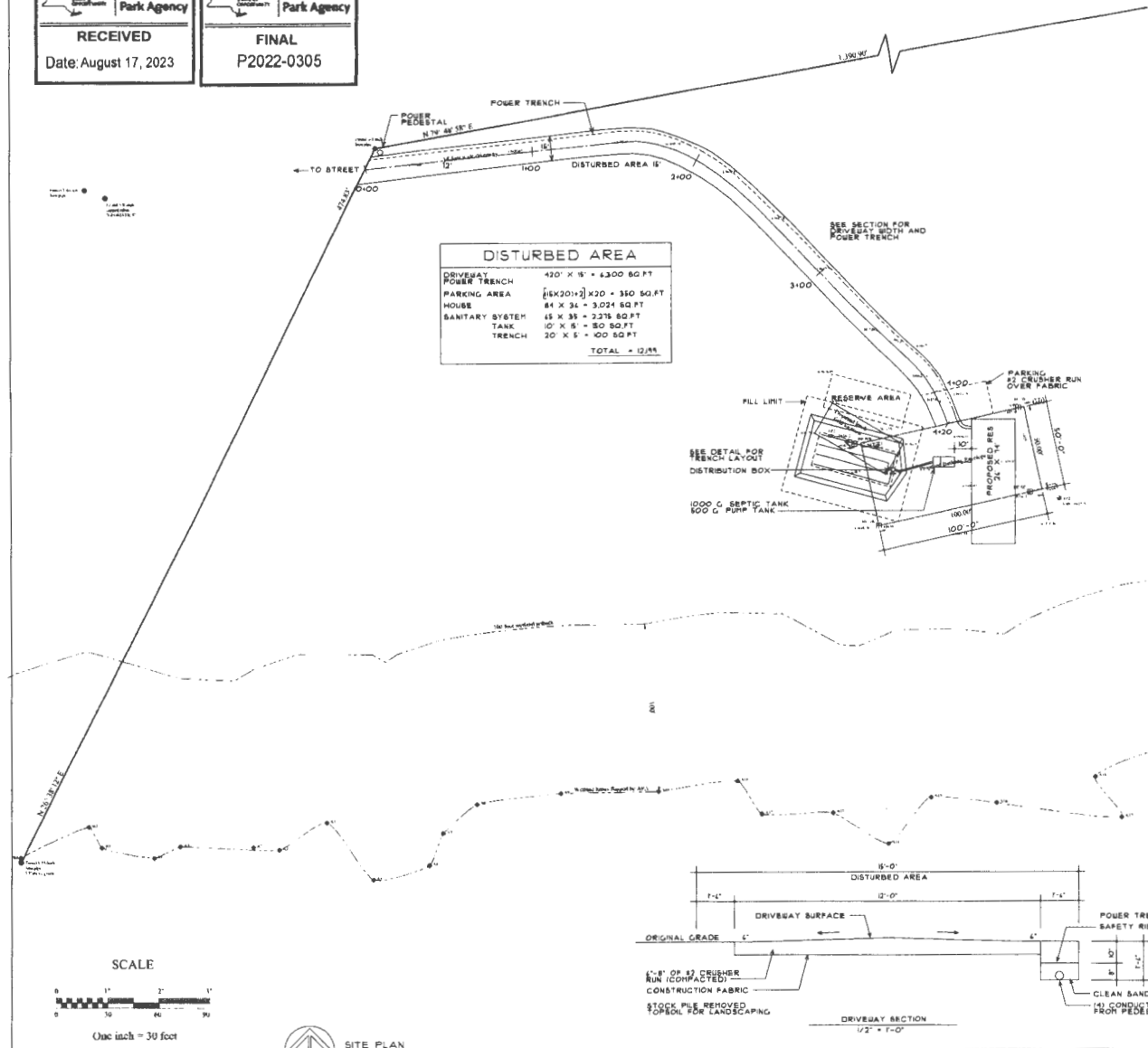
NEW YORK STATE  
Adirondack  
Park Agency

RECEIVED  
Date: August 17, 2023

NEW YORK STATE  
Adirondack  
Park Agency

FINAL  
P2022-0305

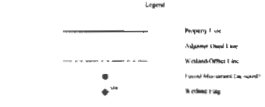
REVISIONS  
01 21 23  
08 11 23



DISTURBED AREA	
DRIVEWAY	420' X 15' = 6,300 SQ. FT.
POWER TRENCH	16K2011420' X 30' = 350 SQ. FT.
PARKING AREA	84' X 34' = 2,856 SQ. FT.
HOUSE	45' X 35' = 1,575 SQ. FT.
SANITARY SYSTEM TANK	30' X 5' = 150 SQ. FT.
TOTAL	= 12,236

- GENERAL NOTES
1. This survey is referenced horizontally in NAD83-2011, NYS Plane Coordinate System (1st Zone) and vertically in NAVD83.
  2. It is a violation of the State Education Law for any person acting under the direction of a licensed land surveyor to alter an item in any way.
  3. Unauthorised alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7206, sub-division 2, of the New York State Education Law.
  4. Reproduction or copying of this document may be a violation of copyright law, unless permission of the author and/or copyright holder is obtained.
  5. A copy of this document without a proper application of the surveyor's embossed seal should be treated as an unauthorised copy.
  6. Copyright 2023 Leifheit & Littlefield and Surveying All Rights Reserved.

REFERENCE MAP  
"Property survey prepared for Scott A. and Dana Lynn Jung", prepared by Glenn D. Oakes, last revised March 24, 1997, incorporated as Map No. 95009.



YOCHAI MAITAL and DAFNA BAREKET

MILL POND ROAD  
Situate on

A PORTION OF LOTS 83 AND 97  
TOWNSHIP 21 MACOMB'S PURCHASE  
COUNTY OF HARRIETSTOWN  
STATE OF NEW YORK

PO BOX 882, 93 PARK STREET  
EUFFER LAKE, NY 12989  
518-354-1313  
www.leifheitandlittlefield.com



6580 RYS WOODS RD  
PARK NY 12941  
518-327-5476  
gange@leifheitandlittlefield.com



Successor to Leifheit Land Surveying, PLLC, a Successor to Leifheit, S.S.

DRAWN BY: NAK  
CHECKED BY:  
DATE: 0112 23  
SCALE: AS NOTED

11.316.04-23

THIS SITE PLAN IS DERIVED BY A SURVEY PREPARED BY LEIFHEIT AND LITTLEFIELD LAND SURVEYING. RESIDENCE AND SEPTIC HAVE BEEN ADDED TO THIS SITE DRAWING BY MAPLE LANE DESIGN AND DRAFTING, LLC AND WILEY LAVIGNE, PE AND IS FOR DESIGN AND PLANNING PURPOSES ONLY.

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MAITAL-BAREKET  
MILL POND, LAKE CLEAR, NEW YORK



Map completed on  
Aug. 21, 2023  
Survey completed on  
May 12, 2023

SCALE



One inch = 30 feet

