


THIS IS A TWO-SIDED DOCUMENT

 <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 2023-0029</p>
<p>In the Matter of the Application of</p> <p>EDDY FOUNDATION, ROBERT EDMUND, and JANICE KOENIG Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: June 29, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Eddy Foundation 2. Robert Edmund 3. Janice Koenig</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision in an area classified Rural Use and Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Essex, 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 Essex 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 comprised of two tax parcels, together 325.41± acres of land, located on both sides of County Route 55 (Walker Road) in the Town of Essex, Essex County.

The Eddy Foundation parcel (315± acres) is identified as Tax Map Section 48.4, Block 1, Parcel 20.110, and is described in a deed from Douglas J. Wolinsky, Esq., Trustee to the Eddy Foundation, dated January 29, 2001, and recorded January 30, 2001 in the Essex County Clerk's Office in Book 1274 of Deeds at Page 127 as Instrument Number 2001-488. The Eddy foundation parcel is classified Rural Use and Resource Management on the Adirondack Park Land Use and Development Plan Map.

The Edmund-Koenig parcel (10.41± acres) is identified as Tax Map Section 48.4, Block 1, Parcel 20.200, and is described in a deed from Joanna Q. Bateman to Robert Edmund and Janice Koenig, dated December 15, 2014, and recorded December 26, 2014 in the Essex County Clerk's Office in Book 1788 of Deeds at Page 273 as Instrument Number 2014-5327. The Edmund-Koenig parcel is classified Rural Use on the Adirondack Park Land Use and Development Plan Map.

The Eddy Foundation parcel is improved by two accessory structures: a "house" (as labeled on the Subdivison Map) with no electric, plumbing, or heating, and no on-site wastewater treatment system, and a "pole barn."

The Edmund-Koenig parcel is improved by a single family dwelling, detached garage, and a shed.

The Eddy Foundation parcel was created as "Lot 1" in a five-lot subdivision as authorized by Agency Permit 2004-0065. The Edmund-Koenig parcel is described as "Lot 4" in that same permit, but is not subject to the permit (creation of "Lot 4" did not require an Agency permit).

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the Eddy Foundation parcel (315± acres) to create (a) an 1.81±-acre parcel containing two existing accessory structures (house and pole barn) to be merged with the 10.41±-acre Edmund-Koenig parcel and (b) the 313.19±-acre remaining lands.

The project is shown on a map titled "Map of Survey Showing Parcel Set-off From Lands of the Eddy Foundation to be Conveyed to Robert Edmund & Janice Koenig," prepared by Adirondack Professional Services, stamped by John A. Deming LS, and last dated May 17, 2023 (Subdivison Map). A reduced-scale copy of the Subdivision Map 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 that results in the creation of five or more lots, parcels, or sites since May 22, 1973, in a Rural Use land use area 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 in a Resource Management land use area in the Adirondack Park.

This permit amends Condition 5 of Permit 2004-0065, which stated “There shall be no further division or subdivision or new land use and development [of the Eddy Foundation parcel] without a new or amended Agency permit.”

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 Subdivision Map 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 2004-0065 in relation to the Eddy Foundation parcel. The terms and conditions of Permit 2004-0065 shall no longer apply to the Eddy Foundation parcel.
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 2023-0029, issued June 29, 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 a two-lot subdivision as depicted on the Subdivision Map. Any subdivision of the project site not depicted on the Subdivision Map shall require a new or amended Agency permit.

7. Within 30 days of conveyance of the 1.81±-acre portion of the Eddy Foundation parcel, a new deed shall be filed in the Essex County Clerk's office describing the 1.81±-acre parcel and the Edmund-Koenig parcel as a single, undivided lot. Any future subdivision of this undivided lot shall require a new or amended permit.
8. The Resource Management portion of the 1.81±-acre lot shall not be conveyed separately from the Rural Use portion of the merged 1.81±-acre parcel and the Edmund-Koenig parcel.
9. The construction of any dwelling or other principal building on the 313.19±-acre remaining lands of the Eddy Foundation shall require a new or amended permit.
10. There shall be no more than 12 principal buildings located on the approximately 101.5-acre Rural Use portion of the 313.19±-acre remaining lands of the Eddy Foundation. There shall be no more than five principal buildings located on the approximately 211.69-acre Resource Management portion of the 313.19±-acre remaining lands of the Eddy Foundation. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
11. There shall be no more than one principal building located on the merged property comprised of the 1.81±-acre parcel and the Edmund-Koenig parcel, 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.

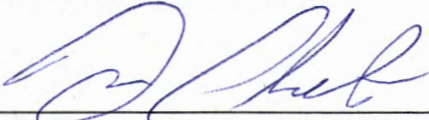
CONCLUSIONS OF LAW

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 and Resource Management land use areas;
- c. will be consistent with the overall intensity guidelines for the Rural Use and Resource Management land use areas;
- 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 29th day
of June, 2023.

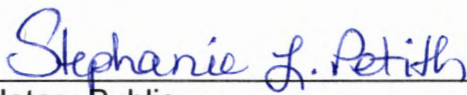
ADIRONDACK PARK AGENCY

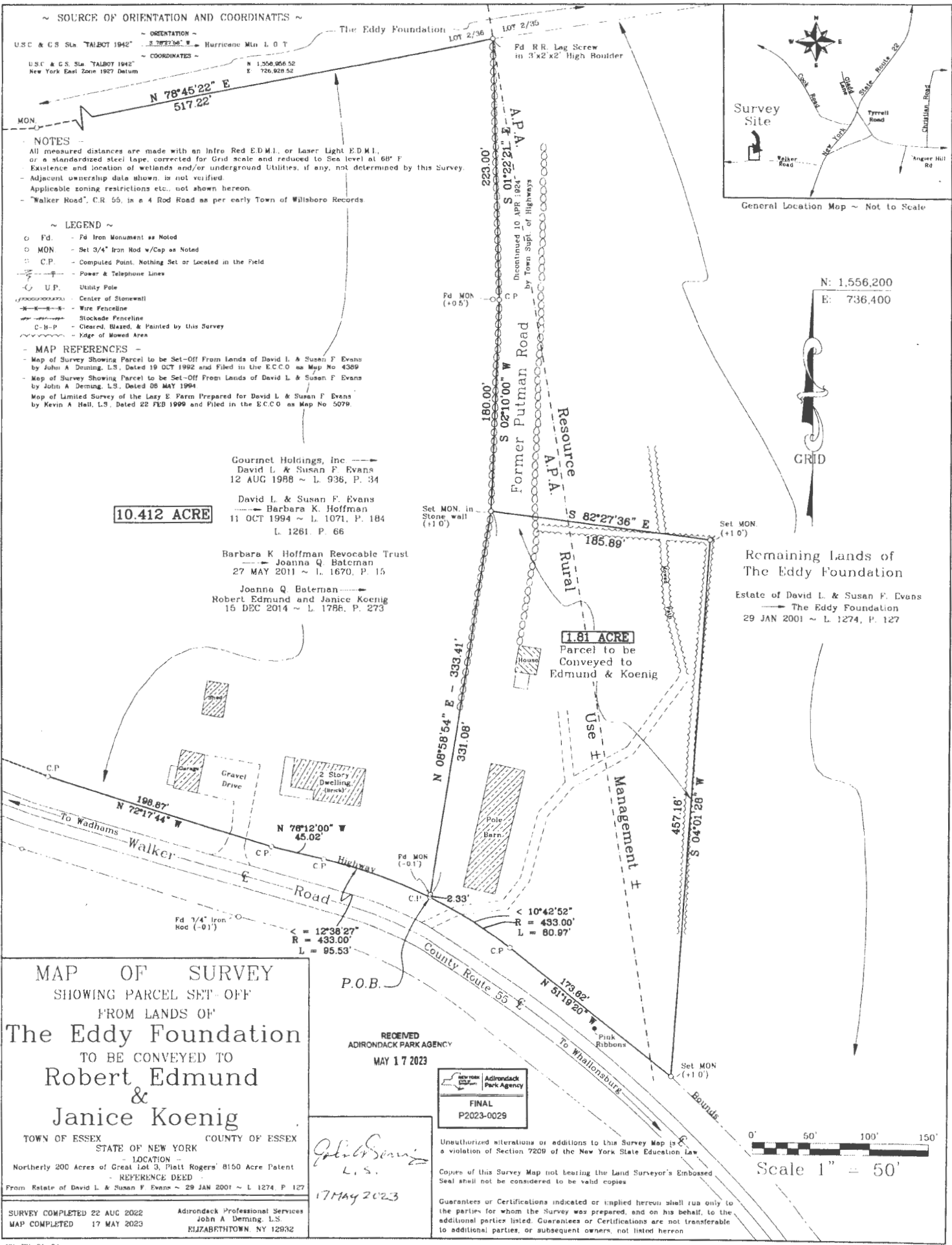
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 29th day of June 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



~ SOURCE OF ORIENTATION AND COORDINATES ~

USC & GS Sta. "TALBOT 1942"
 ~ ORIENTATION ~
 S 78°22'56" W
 ~ COORDINATES ~
 N 1,556,956.52
 E 726,928.52

~ NOTES ~

All measured distances are made with an Intra Red EDM, or Laser Light EDM, or a standardized steel tape, corrected for Grid scale and reduced to Sea level at 68° F. Existence and location of wetlands and/or underground Utilities, if any, not determined by this Survey. Adjacent ownership data shown, is not verified. Applicable zoning restrictions etc., not shown hereon.

- "Walker Road", C.R. 55, in a 4 Rod Road as per early Town of Willbore Records

~ LEGEND ~

- Pd. - Pd Iron Monument as Noted
- MON - Set 3/4" Iron Rod w/Cap as Noted
- C.P. - Computed Point, Nothing Set or Located in the Field
- Power & Telephone Lines
- U.P. - Utility Pole
- Center of Stonewall
- Wire Fenceline
- Stockade Fenceline
- C-B-P - Cleared, Blazed, & Painted by this Survey
- Edge of Mowed Area

~ MAP REFERENCES ~

- Map of Survey Showing Parcel to be Set-Off From Lands of David L. & Susan F. Evans by John A. Deming, L.S., Dated 19 OCT 1992 and Filed in the E.C.C.O. as Map No. 4389
- Map of Survey Showing Parcel to be Set-Off From Lands of David L. & Susan F. Evans by John A. Deming, L.S., Dated 08 MAY 1994
- Map of Limited Survey of the Lazy E Farm Prepared for David L. & Susan F. Evans by Kevin A. Hell, L.S., Dated 22 FEB 1999 and Filed in the E.C.C.O. as Map No. 5079

Gourmet Holdings, Inc. ---
 David L. & Susan F. Evans
 12 AUG 1988 ~ L. 936, P. 34

10.412 ACRE

David L. & Susan F. Evans
 --- Barbara K. Hoffman
 11 OCT 1994 ~ L. 1071, P. 184
 L. 1261, P. 66

Barbara K. Hoffman Revocable Trust
 --- Joanna Q. Bateman
 27 MAY 2011 ~ L. 1670, P. 15

Joanna Q. Bateman ---
 Robert Edmund and Janice Koenig
 15 DEC 2014 ~ L. 1786, P. 273



Remaining Lands of
 The Eddy Foundation
 Estate of David L. & Susan F. Evans
 --- The Eddy Foundation
 29 JAN 2001 ~ L. 1274, P. 127

1.81 ACRE
 Parcel to be
 Conveyed to
 Edmund & Koenig

MAP OF SURVEY
 SHOWING PARCEL SET OFF
 FROM LANDS OF
The Eddy Foundation
 TO BE CONVEYED TO
Robert Edmund
 &
Janice Koenig

TOWN OF ESSEX COUNTY OF ESSEX
 STATE OF NEW YORK

~ LOCATION ~
 Northerly 200 Acres of Great Lot 3, Platt Rogers' 8150 Acre Patent

~ REFERENCE DEED ~
 From: Estate of David L. & Susan F. Evans ~ 29 JAN 2001 ~ L. 1274, P. 127

SURVEY COMPLETED 22 AUG 2022
 MAP COMPLETED 17 MAY 2023

Adirondack Professional Services
 John A. Deming, L.S.
 ELIZABETHTOWN, NY 12932

RECEIVED
 ADIRONDACK PARK AGENCY
 MAY 17 2023

FINAL
 P2023-0029

John A. Deming
 L.S.
 17 MAY 2023

Unauthorized alterations or additions to this Survey Map is a violation of Section 7209 of the New York State Education Law.

Copy of this Survey Map not bearing the Land Surveyor's Embossed Seal shall not be considered to be valid copies.

Guarantees or Certifications indicated or implied hereon shall run only to the parties for whom the Survey was prepared, and on his behalf, to the additional parties listed. Guarantees or Certifications are not transferable to additional parties, or subsequent owners, not listed hereon.

