


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>2023-0031</b></p>
<p>In the Matter of the Application of</p> <p><b>SCOTT M. REALE</b> <b>Permittee</b></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 name: <b>1. Scott M. Reale</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision in an area classified Moderate Intensity 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 Essex County Clerk's Office. The Agency will consider the project in existence when the permit has been recorded.

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 1.05±-acre parcel of land located on Windy Point Way in the Town of Ticonderoga, Essex County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 160.35, Block 1, Parcels 22.200, 25.000 and 26.000, and is described in a deed from Nancy M. Reale to Nancy M. Reale as Trustee of the Nancy M. Reale Revocable Living Trust, dated July 26, 2022, and recorded August 1, 2022 in the Essex County Clerk's Office at Book 2092, Page 123.

The project site contains shoreline on Lake George, and is improved by two single family dwellings, a dock, a boathouse and a shed.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision, to create a 0.32±-acre lot containing an existing single family dwelling and dock and a 0.73±-acre lot containing an existing single family dwelling and boathouse.

The project is shown on a survey map titled "Map of a Lot Line Adjustment: Lands Now or Formerly of Nancy M. Reale Revocable Living Trust," prepared by Darrah Land Surveying, PLLC, and dated February 14, 2023 (Site Plan). A reduced-scale copy of the Site Plan 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 Moderate Intensity Use lands that results in the creation of a shoreline lot smaller than 0.57 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 the 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 2023-0031, issued June 29, 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 as depicted on the Site Plan. Any subdivision not depicted on the Site Plan shall require prior written Agency authorization.
6. Any deed of conveyance for the 0.32±-acre lot as depicted on the Site Plan shall contain an easement providing access to the 0.73±-acre lot over the easement area shown and described on the Site Plan.
7. Construction of any guest cottage on the project site shall require prior written Agency authorization.
8. Any boathouse constructed on the project site must be used only for the storage of boats and associated equipment, not contain sanitary plumbing of any kind, and comply with the dimensional requirements established by the Lake George Park Commission.
9. Prior to undertaking construction of any dock on the project site, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
10. No structures greater than 100 square feet in size, shall be constructed within 50 feet, measured horizontally, of the mean high water mark of Lake George.
11. All wastewater treatment infrastructure on the project site shall be connected to and served by the municipal wastewater treatment system.
12. The undertaking of any activity involving wetlands shall require a new or amended permit.
13. There shall be no principal buildings located on the 0.32±-acre lot other than the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.
14. There shall be no more than one principal building located on the 0.73±-acre lot at any time. The single family dwelling constructed on the property in 1980 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 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 Moderate Intensity land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity 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 29<sup>th</sup> day  
of June, 2023.

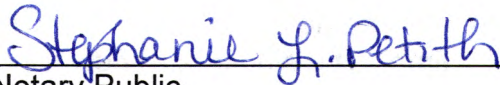
ADIRONDACK PARK AGENCY

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

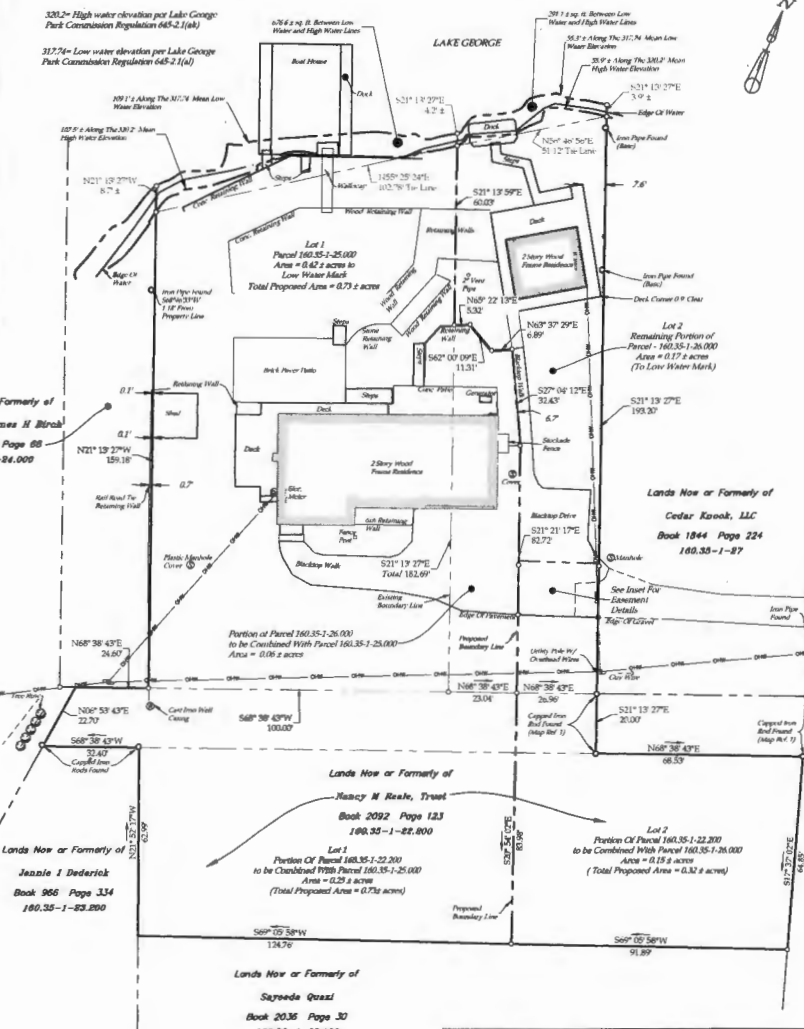
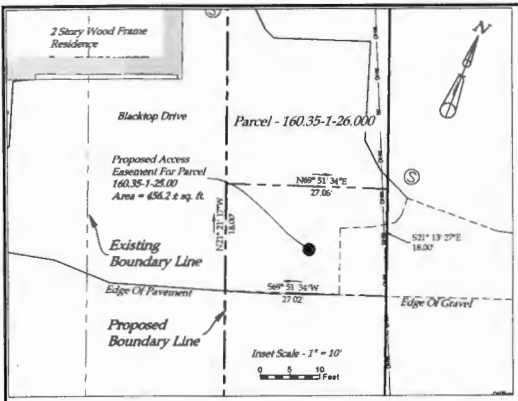
STATE OF NEW YORK  
COUNTY OF ESSEX

On the 29<sup>th</sup> 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

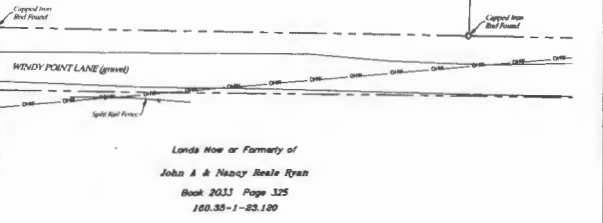
  
Notary Public

# Attachment B: Proposed Lot Line Adjustment



- NOTICES**
1. Boundary information shown herein was compiled from Map Reference 1 and an actual field survey conducted on October 12, 2023.
  2. North orientation and bearing bear per Map Reference 1.
  3. Same Corner as parcel 160.35-1-25.00 & 160.35-1-26.00
  4. The location of underground improvements or encroachments, if any exist, or no such services are not certified. There may be other underground utilities, the existence of which is not to be endorsed. Size and location of all underground utilities shall be verified by the appropriate authorities. The Underground Facilities Protection Organization must be notified prior to conducting field borings, excavations and construction.
  5. This survey was prepared without the benefit of an up to date abstract of title.
  6. Reproduction or copying of this document may be a violation of copyright law unless permission of the author and/or copyright holder is obtained.
  7. A copy of this document without a proper application of the surveyor's seal and stamp should be assumed to be an unauthorized copy.
  8. Easements adhere to a normal datum.
  9. Horizontal coordinates and elevations unless otherwise stated are in U.S. survey feet.
  10. Property corner monuments were not placed as a part of this survey unless otherwise noted.

- REFERENCES**
1. Certificate of Nancy M. Reale Revocable Living Trust (to abstract dated July 26, 2022, filed in the State of New York County of Warren, New York, in Book 2022 of Deeds at page 121).
- MAP REFERENCES**
1. Map entitled "Map of a Proposed Subdivision Lands Now or Formerly of W. Blush & J. Blush, P.C." prepared by Daniel Land Surveying, dated October 15, 2023, filed in the Essex County Clerk's Office on January 22, 2024 as Instrument # 2786.



**NOTICE REQUIREMENTS**

Zone	Map	Map
Lot Area	30.00 sq. ft.	30.00 sq. ft.
Minimum Lot Area	30.00 sq. ft.	30.00 sq. ft.
Minimum Lot Area	30.00 sq. ft.	30.00 sq. ft.
Other	30.00 sq. ft.	30.00 sq. ft.

**Lot 1**  
Parcel 160.35-1-25.000 Area = 0.42 ± acres  
Portion of Parcel 160.35-1-26.000 Area = 0.05 ± acres  
Portion of Parcel 160.35-1-22.000 Area = 0.25 ± acres  
Total Area = 0.73 ± acres

**Lot 2**  
Portion of Parcel 160.35-1-22.000 Area = 0.15 ± acres  
Portion of Parcel 160.35-1-26.000 Area = 0.17 ± acres  
Total Area = 0.32 ± acres

THIS BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S EMBOSSED SEAL, ARE OPEN TO THE PUBLIC AND PROPERTY OWNERS OF THE SURVEYED PARCELS, AND ARE OPEN TO THE PUBLIC AND PROPERTY OWNERS OF THE SURVEYED PARCELS.

FINAL  
F2023-0031

RECEIVED  
Date February 23, 2023

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Feet

KRISTIN M. DARRAH 050803	DATE	REVISIONS RECORD/DESCRIPTION	DRAFTER
			UNREGISTERED ALTERNATE OR NOTARY IN THE STATE OF NEW YORK OR A MEMBER OF THE BOARD OF SURVEYING AND MAPPING ENGINEERS OF THE STATE OF NEW YORK
			© 2023 Darrah Land Surveying, PLLC
			APPROVED: KMD
			DRAFTED: GCB
			CHECKED: KMD
			PROJ. NO.: 22279
			SCALE: 1"=20'
			DATE: 02/14/23

**Map of a Lot Line Adjustment**  
Lands Now or Formerly of  
**Nancy M. Reale Revocable Living Trust**

TOWN OF TICONDEROGA ESSEX COUNTY, NEW YORK

**Darrah Land Surveying, PLLC**  
59 Lake Avenue, Lake Luzerne, New York 12846  
Voice: (518) 798-6922  
(or) (518) 654-9416

**22279-1**  
SHEET: 1 OF 1  
PROJ. NO.: 22279