


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 2023-0052</p>
<p>In the Matter of the Application of</p> <p>CARL T. BOLES, JR. Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: June 1, 2023</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Carl T. Boles, Jr.</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Johnstown, Fulton County.

This authorization shall expire unless recorded in the Fulton 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 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 4.72±-acre parcel of land located on South Shore Road Mountain Lake in the Town of Johnstown, Fulton County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site

is identified as the Resource Management portion of Tax Map Section 101.16, Block 2, Parcel 14.5, and is described in a deed from Carl T. Boles, Sr. and Florence E. Boles to Carl T. Boles, Jr., dated February 8, 2005, and recorded March 24, 2005 in the Fulton County Clerk's Office at Book 1000, Page 29.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of a 4.72±-acre Resource Management parcel, to create a vacant 3.7±-acre lot and a 1.02±-acre lot containing a pre-existing single family dwelling.

The project site constituted a portion of a larger property on the May 22, 1973, enactment date of the Adirondack Park Land Use and Development Plan, and was created by subdivision from this larger property in 2010. As this subdivision occurred on Resource Management lands, it appears that an Agency permit was required for its undertaking. Agency records indicate that no permit was obtained. By issuance of this permit, the project site shall be recognized as lawful for Agency purposes.

The project is shown on a Site Plan titled "Survey Map and Subdivision of Lands of Carl Boles, Sr. & Carl Boles, Jr.," prepared by Ferguson & Foss Professional Land Surveyors, P.C., and dated last revised on November 9, 2022. 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 in a Resource Management land use area 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 Fulton 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 2023-0052, issued June 1, 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 a new or amended permit.
6. The deed of conveyance for the parcel containing the Low Intensity Use portion of Tax Map #101.16-2-14.5 and the 3.7±-acre Resource Management lot authorized herein shall contain a covenant restricting the Resource Management portion of the parcel against the construction of any single family dwelling, mobile home, or other principal building as that term is defined under the Adirondack Park Agency Act. The deed shall state that the covenant shall run with, touch and concern the land, and that the covenant shall be enforceable by the Adirondack Park Agency and the State of New York.
7. Construction of any guest cottage on the 1.02±-acre lot shall require prior written Agency approval.
8. There shall be no on-site wastewater treatment system located on the 3.7±-acre lot.
9. There shall be no principal buildings located on the 1.02±-acre lot, other than the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.
10. There shall be no principal buildings located on the 3.7±-acre lot.

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 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; 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 1st 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 1st day of June in the year 2022, 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.


Notary Public

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

