


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>2023-0059</b></p>
<p>In the Matter of the Application of</p> <p><b>MICHAEL E. PRATT AND CYNTHIA S. PRATT</b> <b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: September 28, 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"><li><b>1. Michael E. Pratt</b></li><li><b>2. Cynthia S. Pratt</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes two, two-lot subdivisions in an area classified Resource Management and Rural Use 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, or when this permit has been filed.

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 includes a 162.70±-acre parcel of land located on Alden Road in the Town of Essex, Essex County, in an area classified Rural Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 48.3, Block 1, Parcel 10.110, and is described in a deed from Alvin E. Hyde and Wendy Wit to Michael E. Pratt, dated March 31, 1999, and recorded April 19, 1999 in the Essex County Clerk's Office at Book 1207, Page 054.

The project site also includes a 69.2±-acre parcel of land located on Alden Road in the Town of Essex, Essex 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 48.3, Block 1, Parcel 22.100, and is described in a deed from Vernon A. Pierce and Nancy B. Pierce to Michael E. Pratt, dated March 25, 2002, and recorded April 1, 2002 in the Essex County Clerk's Office at Book 1316, Page 0003.

The project site contains several pockets of wetlands, located on the northern portion and southeastern corner of Tax Map Parcel 48.3-1-10.110, and also on the southern boundary of Tax Map Parcel 48.3-1-22.100. Additional wetlands not described herein or depicted on the Site Plan Map may be located on or adjacent to the project site.

Tax Map Parcel 48.3-1-10.110 was created as "Lot B" in a two-lot subdivision as authorized by Agency Permit 2000-0113, and is improved by one single family dwelling and accessory structure as authorized by Agency Permit 2013-0107.

Tax Map Parcel 48.3-1-22.100 was created in a two-lot subdivision as authorized by Agency Permit P95-264.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves:

- A two-lot subdivision of tax map parcel 48.3-1-10.110 to create a 105.75±-acre lot improved by one existing single family dwelling (Lot A1) and a 56.95±-acre vacant building lot (Lot A2); and
- A two-lot subdivision of tax map parcel 48.3-1-22.100 to create a 29.27±-acre vacant non-building lot (Lot B1) and a 39.93±-acre vacant building lot (Lot B2).

The project is shown on a one-sheet plan titled "Map Of Survey Showing Certain Lands of Michael E. & Cynthia Pratt To Be Conveyed To Adam Hainer," prepared by John A. Deming, L.S. and dated September 6, 2023 (Site Plan Map). A reduced-scale copy of the Site Plan Map 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.

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 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 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 P95-264 in relation to Tax Map Parcel 48.3-1-22.100. The terms and conditions of Permit P95-264 shall no longer apply to Tax Map Parcel 48.3-1-22.100.
5. This permit amends and supersedes Permit 2000-0113 in relation to Tax Map Parcel 48.3-1-10.110. The terms and conditions of Permit 2000-0113 shall no longer apply to Tax Map Parcel 48.3-1-10.110.
6. This permit amends and supersedes Permit 2013-0107 in relation to Tax Map Parcel 48.3-1-10.110. The terms and conditions of Permit 2013-0107 shall no longer apply to Tax Map Parcel 48.3-1-10.110.
7. 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 2023-0059, issued September 28, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
8. Subject to the conditions stated herein, this permit authorizes two, two-lot subdivisions as depicted on the Site Plan Map. Any subdivision of the project site not depicted on the Site Plan Map shall require prior written Agency authorization.
9. The deed of conveyance for Lot B1 shall contain a covenant restricting the property 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.

10. Any deed of conveyance for Lot A1 as depicted on the Site Plan Map shall contain an easement providing a suitable location for a potential on-site wastewater treatment system to Lot A2 over the easement area shown and described on the Site Plan Map.
11. The construction of any dwelling or other principal building on Lot A1, A2 or B2 shall require prior written Agency authorization.
12. All exterior building materials, including roof, siding and trim, of any structure on Lot A1 shall be a dark shade of green, grey, or brown.
13. Any new free-standing or building-mounted outdoor lights on Lot A1 shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or Alden Road or adjoining property.
14. Any replacement or expansion of the on-site wastewater treatment system associated with the single family dwelling constructed on Lot A1 in 2014 shall require prior written Agency authorization.
15. Any additional vegetation removal within the 2.8-acre area associated with the single family dwelling constructed on Lot A1 in 2014 excluded from any 480A Forestry Management Plan on the project site shall require prior written Agency authorization except for an area up to 30 feet in width for driveway improvements and utility installations, and the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
16. Any new land use or development on slopes greater than 25% will require prior written Agency authorization.
17. The undertaking of any activity involving wetlands shall require a new or amended permit. The undertaking of any new land use or development within 100 feet of wetlands shall require prior written Agency authorization.
18. There shall be no more than twelve principal buildings located on Lot A1 at any time. The single family dwelling constructed on the property in 2014 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
19. There shall be no more than two principal buildings located on Lot A2. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
20. There shall be no principal buildings located on Lot B1.

- 21. There shall be no more than one principal building located on Lot B2. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

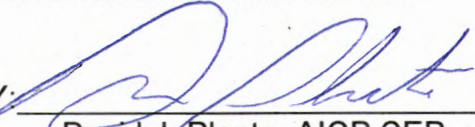
**CONCLUSIONS OF LAW**

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 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 and Rural Use land use areas;
- c. will be consistent with the overall intensity guidelines for the Resource Management and Rural Use land use areas;
- 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 28<sup>th</sup> day of September, 2023.

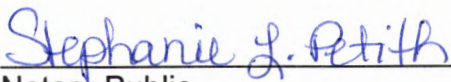
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 28<sup>th</sup> day of September 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

