


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 2023-0062</p>
<p>In the Matter of the Application of</p> <p>F. LANE MCBURNEY & ANDREW SLOAN MCBURNEY Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: May 11, 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">1. F. Lane McBurney2. Andrew Sloan McBurney, Trustee of the Andrew Sloan McBurney 2000 Revocable Trust

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 North Elba, 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 a 272.329±-acre parcel of land located on State Route 73 and Adirondack Loj Road in the Town of North Elba, 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 51, Block 1, Parcels 39, and 40; and Tax Map Section 51.2, Block 1, Parcels 19, 21, 23, and 24. The project site is described in a deed from Donald C. Christ as executor of Lidie S. McBurney to A. Sloan McBurney and F. Lane McBurney, dated July 31, 1997, and recorded August 8, 1997 in the Essex County Clerk's Office at Book 1150, Page 239; and a deed conveying one-half interest in the project site from A. Sloan McBurney to Andrew Sloan McBurney, Trustee of The Andrew Sloan McBurney 2000 Revocable Trust, dated August 9, 2020, and recorded August 24, 2020 in the Essex County Clerk's Office under Instrument number 2020-3273.

The project site contains shoreline on the West Branch AuSable River and is partially located within the designated West Branch AuSable River Recreational River area. The project site is also partially located within the critical environmental area for State Route 73.

The project site also contains forested wetlands associated with the West Branch AuSable River, located in the south-western portion of the project site. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site is improved by a single family dwelling with an on-site wastewater treatment system and driveway accessed from Adirondack Loj Road, constructed in 1935, and a single family dwelling with an on-site wastewater treatment system and driveway accessed from State Route 73, constructed in 1930.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of 272.329± acres of land, creating a 85.59-acre lot containing an existing single family dwelling and on-site wastewater treatment system (Parcel A), and a 186.74±-acre lot containing an existing single family dwelling and on-site wastewater treatment system (Parcel B).

The project is shown on a survey map titled "Proposed Subdivision Prepared For The Andrew Sloan McBurney 2000 Revocable Trust," prepared by Geomatics Land Surveying, PC, and dated February 7, 2023 (Site 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 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 Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any subdivision of Resource Management lands located within any designated recreational river 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.

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 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, Wild, Scenic and Recreational Rivers System 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 2023-0062, issued May 11, 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 of the project site not depicted on the Site Plan shall require a new or amended permit.
6. The undertaking of any new land use or development on the project site within one-quarter mile of the West Branch AuSable River or within 300 feet of the right of way of Route 73 shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
7. The construction of any parking area, trail system, or other open space recreation infrastructure on Parcel B shall require prior written Agency authorization.
8. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit. The construction of any accessory structure on the project site within 200 feet of the wetlands depicted on the Site Plan shall require prior written Agency authorization.

9. Construction of any guest cottage on the project site shall require prior written Agency authorization.
10. Pursuant to the Adirondack Park Agency Act and Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act, new structures are prohibited within 150 feet, measured horizontally, of the mean high water mark of the West Branch AuSable River.

Docks and boathouses as defined under 9 NYCRR § 570.3 are excepted from this requirement. Fences, poles, lean-tos, and bridges are also excepted from this requirement, except that no fence, pole, lean-to, or bridge greater than 100 square feet in size may be located within 100 feet of the mean high water mark.

11. The construction of a dock, boathouse or other shoreline access structure on Parcel A shall require prior written Agency authorization.
12. Installation of any additional on-site wastewater treatment systems on the project site shall require prior written Agency authorization.
13. Within 200 feet of the wetlands depicted on the Site Plan no trees, shrubs or other woody-stemmed vegetation may be cut, 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.
14. There shall be no more than two principal buildings located on Lot A, 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.
15. There shall be no more than four principal buildings located on Lot B, 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, the Freshwater Wetlands Act and 9 NYCRR Part 578, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, 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;
- 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;
- h. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- i. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- j. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

PERMIT issued this 11th day of May, 2023.

ADIRONDACK PARK AGENCY

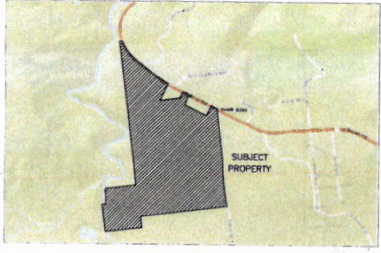
BY: David J. Plante
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 11th day of May 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

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



NEW YORK STATE ADIRONDACK Park Agency
RECEIVED
 Date: April 7, 2023

NEW YORK STATE ADIRONDACK Park Agency
FINAL
 P2023-0062

LEGEND

- Boundary Line
- Adjacent Line
- Road (conver)
- Overhead wire
- Fencing
- Catch basin
- Manhole
- Utility pole
- Highway
- Water valve
- Tree
- Found tree site/valve
- Set 5.0' capped water
- Collocated water
- APA Designated Wetlands

ZONING

ZONE OF SPECIAL USE - Rural Development

- Minimum lot area: 1 Acre
- Minimum Residential Density: 1 unit/5 acres
- Minimum Lot Width: Not less than 100' or one-half the lot depth
- Minimum Front Setback: 100 feet
- Minimum Side Yard Setback: 25 feet
- Minimum Rear Yard Setback: 50 feet
- Maximum Building Height: 40 feet
- Maximum Impervious Area: 50%
- Minimum open space: 25%

ADIRONDACK PARK AGENCY
 Average lot area: Resource Management 4.3 Acres

MAP REFERENCES

1. See map entitled "TOP GRASSY PROPERTY TO BE PURCHASED FROM E.L. THORNTON BY ANDREW S. MCBURNEY" prepared by F. Lee Turner, C.E. dated June, 1999.

NOTES

1. Old boundaries shown herein may be converted to ground dimensions by adding the grid dimension by several grid factor corrections.
2. There is an apparent encroachment by Towns into the subject property by encroachment on the line and some encroachment and structures are currently shown here. It's not shown here they may not have been building plan.
3. Wetland boundaries shown herein were provided by NYE APA. The field location was performed.
4. Individual tree locations shown herein are approximate.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S CHECKED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES

Unrehearsed alteration or addition to a survey may constitute a forgery and a violation of section 7203, sub-section 2, of the New York State Education Law.

Certification, if any, indicated herein signify that the survey was prepared in accordance with the existing Code of Practice for Land Surveyors adopted by the New York State Association of Professional Land Surveyors. Such certification shall run only in the honor for which the survey is prepared and on the basis of the title company, governmental agency and lending institution listed herein, and to the confidence of the lending institution. Certifications are not transferable to any additional parties or subsequent owners.

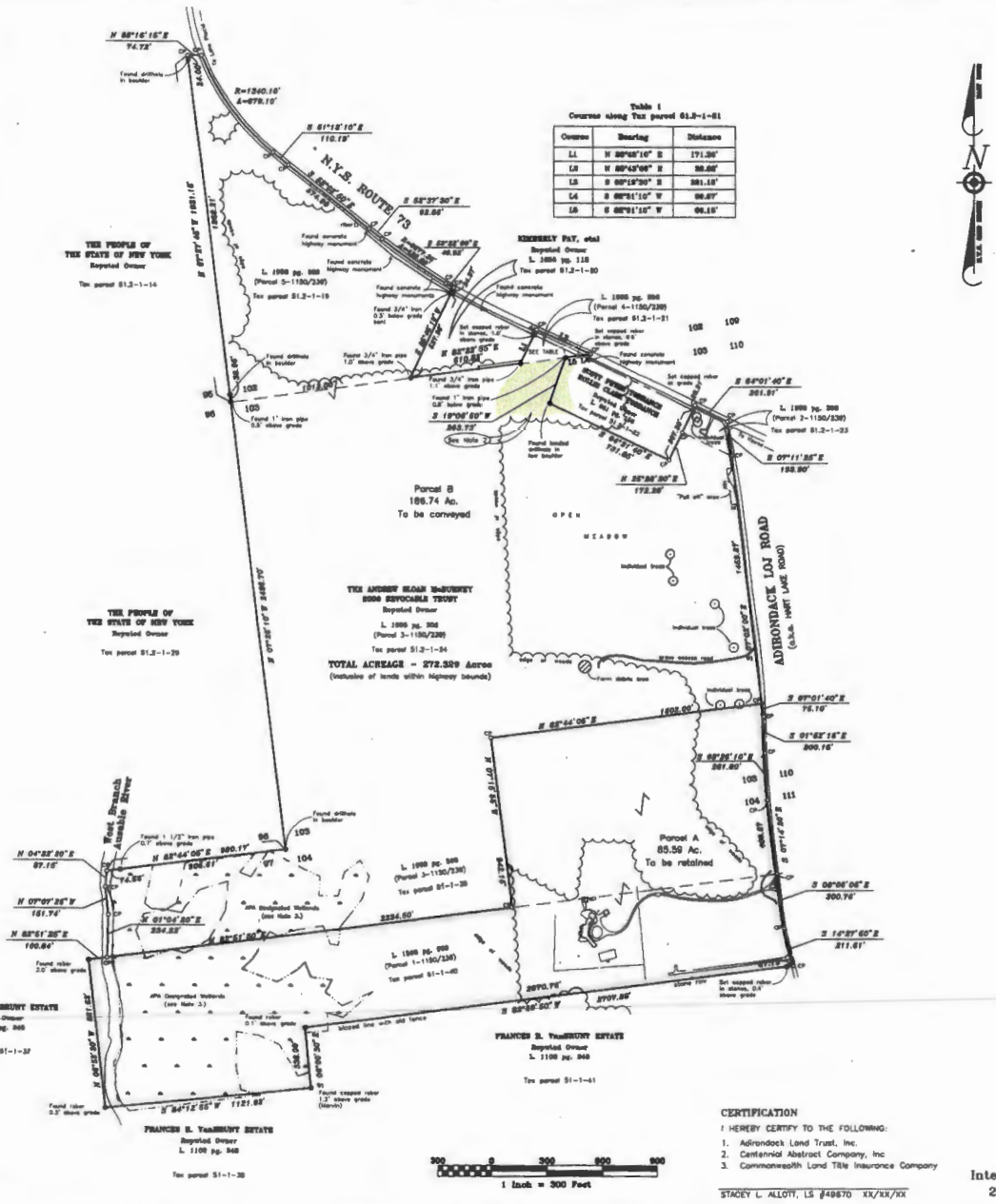


Table 1
 Courses along the parcel 61.2-1-81

Course	Bearing	Distance
L1	N 88°08'10\" E	171.36'
L2	N 88°45'08\" E	88.00'
L3	N 88°15'20\" E	88.15'
L4	N 88°15'10\" W	88.27'
L5	S 88°11'10\" W	92.15'



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PROPOSED SUBDIVISION
 PREPARED FOR
THE ANDREW SLOAN MCBURNEY 8000 REVOCABLE TRUST
 SITUATE IN LOTS 97, 102, 103 & 104, TOWNSHIP 12, OLD MILWAUKEE TRACT,
 TOWN OF NORTH CLAY, COUNTY OF ESSEX,
 AND STATE OF NEW YORK.

REVISIONS / DATE / BY

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CHECKED BY SLA

DRAWN BY REL

DATE SURVEY 11/12/2021
 MAP 202300062

SCALE IN./FT. 1"=300'
 RATIO 1:30000

TAX MAP NO. Various

MAP NO. 21051-2

2023-0062

CERTIFICATION

I HEREBY CERTIFY TO THE FOLLOWING:

1. Adirondack Land Trust, Inc.
2. Centralist Abstract Company, Inc.
3. Commonwealth Land Title Insurance Company

STACEY L. ALLOTT, LS #49870 XX/XX/XX
 Interim Map
 2/7/23