


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 2023-0110</p>
<p>In the Matter of the Application of</p> <p>WILLIAM A LYONS, LYONS FAMILY ENTERPRISES, LLC and THE ESTATE OF JOHN R CASTIGLIONE Permittees</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: November 28, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Lyons Family Enterprises, LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a four-lot subdivision in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Northampton, 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 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 Fulton County Clerk's Office. The Agency will consider the project in existence when either: 1) an authorized lot has been conveyed to an outside party, 2) an authorized single family dwelling has been constructed, or 3) the authorized subdivision has been recorded and mapped by the Fulton County Real Property Office.

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 an approximately 3-acre parcel of land located on Chelby Lane in the Town of Northampton, Fulton County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site includes the following Tax Map Parcels: 74.2-1-2, 74.2-1-9, 74.2-1-10.1, and 74.2-1-10.2

The project site contains shoreline on the Great Sacandaga Lake and is improved by four preexisting single family dwellings (Camps A, B, C and D).

PROJECT DESCRIPTION

The project as conditionally approved herein involves re-configuration and subdivision of four existing tax parcels that contain existing development to create four new lots to be re-developed as follows:

- Lot 1 will be improved by a six-bedroom single family dwelling;
- Lot 2 will be improved by a four-bedroom single family dwelling to replace an existing dwelling and another existing dwelling (Camp D) will be converted into a guest cottage;
- Lot 3 will be improved by a new three-bedroom single family dwelling; and
- Lot 4 will be improved by a new four-bedroom single family dwelling and utilize an existing dwelling (Camp A) as a guest cottage.

Camps B and C will be removed from the project site. Individual well water supplies will be utilized and a new on-site wastewater treatment system will be constructed on each lot to serve all new and existing development.

The project is shown on the following maps and plans (Project Plans):

- A survey titled "Proposed Boundary Line Adjustment, Prepared for William A. Lyons," prepared by Furguson & Foss, P.L.S., P.C., last revised July 3, 2023 (Subdivision Map);
- Four-sheets of plans titled, "Sewage Disposal System, 125A Chelby Lane, Lot 1" prepared by Nolan Engineering, PLLC, dated November 6, 2023 (OSWTS Plan Lot 1);
- Four-sheets of plans titled, "Sewage Disposal System, 125A Chelby Lane, Lot 2" prepared by Nolan Engineering, PLLC, dated August 21, 2023 (OSWTS Plan Lot 2);
- Four-sheets of plans titled, "Sewage Disposal System, 125A Chelby Lane, Lot 3" prepared by Nolan Engineering, PLLC, dated August 21, 2023 (OSWTS Plan Lot 3); and
- Four-sheets of plans titled, "Sewage Disposal System, 125A Chelby Lane, Lot 4" prepared by Nolan Engineering, PLLC, dated August 21, 2023 OSWTS Plan Lot 4).

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 of Low Intensity Use lands that results in the creation of a shoreline lot smaller than 1.15 acres in size 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 of Low Intensity Use lands that results in the creation of a non-shoreline lot smaller than 2.75 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 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 Project Plans 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 2023-0110, issued November 28, 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 four-lot subdivision as depicted on the Subdivision Map. Any subdivision of the project site not depicted on the Subdivision Map shall require prior written Agency authorization.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on each authorized lot in the locations shown and as described in the Project Plans. Any change to the locations of the authorized dwellings shall require prior written Agency authorization.
7. The single family dwellings shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The single family dwellings shall be less than 2,500 square feet in

footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any expansion beyond these dimensions shall require prior written Agency authorization.

8. Subject to the conditions stated herein, this permit authorizes the conversion of existing dwellings to a guest cottage on Lot 2 and on Lot 4 as shown and described on the Project Plans. Construction of any additional guest cottage on the project site shall require prior written Agency approval.
9. No structures greater than 100 square feet in size shall be constructed within 75 feet, measured horizontally, of the mean high water mark of the Great Sacandaga Lake. Boathouses and docks, as defined under 9 NYCRR § 570.3 are excepted from this requirement.
10. Any on-site wastewater treatment system on Lot 1, 2, 3 or 4 installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the OSWTS Plans designed for each specific lot. Construction of the system shall be supervised by a New York State design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

11. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.
12. Any new free-standing or building-mounted outdoor lights associated with the authorized single family dwellings shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Great Sacandaga Lake or adjoining property.
13. All exterior building materials, including roof, siding and trim, of the authorized dwelling shall be a dark shade of green, grey, or brown.
14. There shall be no more than one principal building located on each of the lots authorized herein at any time. The single family dwellings authorized herein each constitute a principal building.

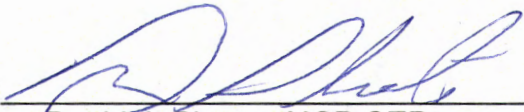
CONCLUSIONS OF LAW

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 Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use 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.

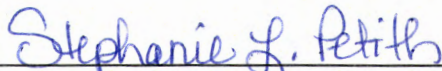
PERMIT issued this 28th day of November, 2023.

ADIRONDACK PARK AGENCY

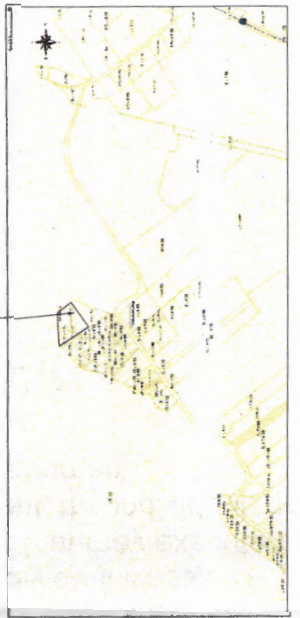
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

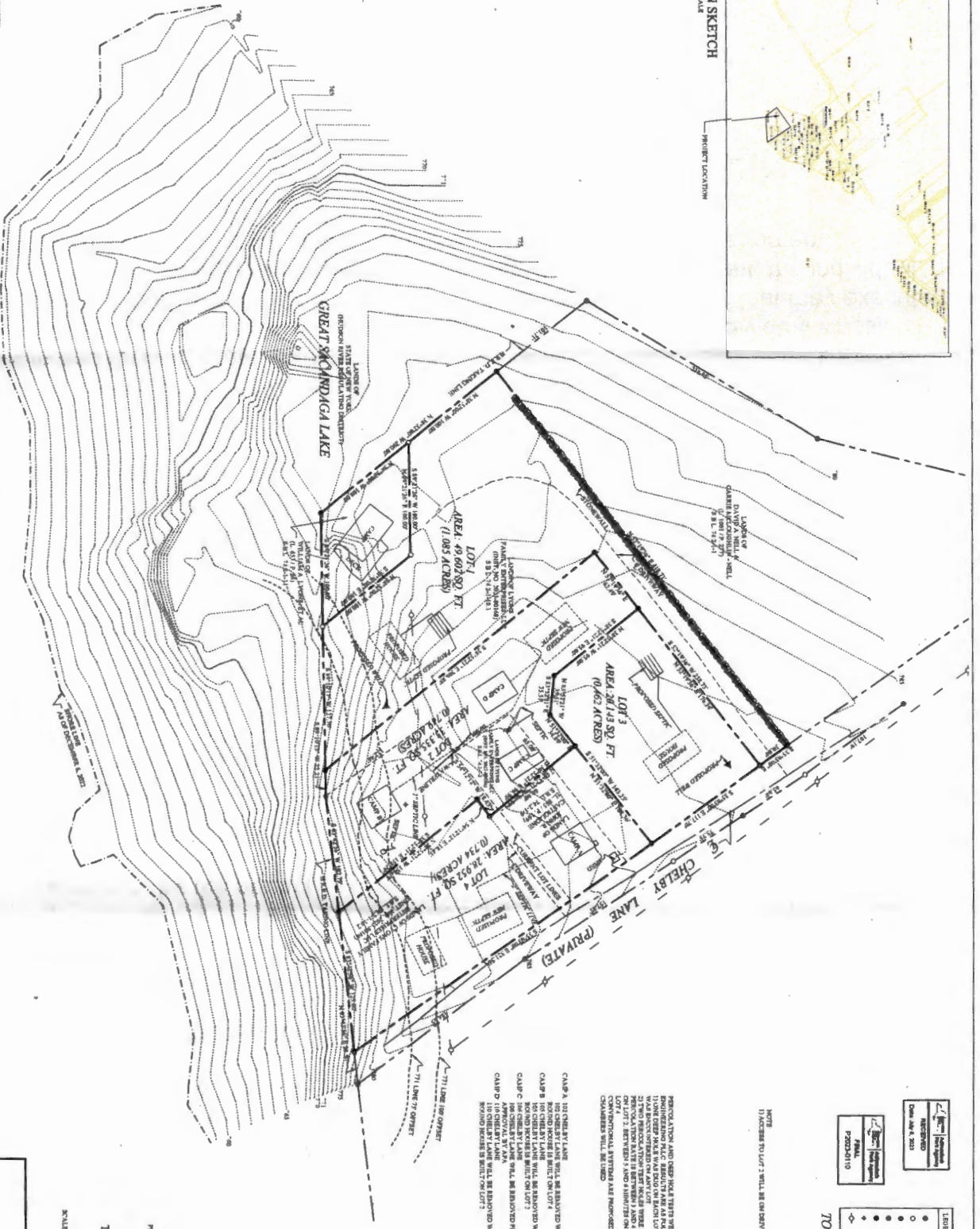
On the 28th day of November in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and 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.


Notary Public

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



LOCATION SKETCH
MAP SCALE



LEGEND

- FIELD DEVELOPMENT
- ROAD RIGHT OF WAY
- ROAD RIGHT OF WAY
- ROAD RIGHT OF WAY
- ROAD RIGHT OF WAY
- WELL
- OVERHEAD UTILITY LINE

TOTAL AREA: 3212 ACRES

NOTE:
1) LOT 2 WILL BE AN INTERIM THROUGH LOT 1

PROPOSED LANE AND ROAD SHALL BE FINISHED WITHIN 18 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE FIRST LOT. THE PROPOSED LANE AND ROAD SHALL BE FINISHED WITHIN 18 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE FIRST LOT. THE PROPOSED LANE AND ROAD SHALL BE FINISHED WITHIN 18 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE FIRST LOT.

- CAMP A: 100 CHELBY LANE
- CAMP B: 100 CHELBY LANE
- CAMP C: 100 CHELBY LANE
- CAMP D: 100 CHELBY LANE

A.B. REFERS TO SECTION 46-K, ARTICLE 17, CHAPTER 17-A, § 17-100 OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK. THIS SECTION SHALL BE CONSIDERED TO BE VALID TO THE EXTENT THAT IT DOES NOT CONTRADICT ANY OTHER LAW OF THE STATE OF NEW YORK.

PROPOSED INDENTURED TIME ADVERTISEMENT
 PREPARED FOR
WILLIAM A. LYONS
 TOWN OF NORTHAMPTON
 COUNTY OF FULTON
 STATE OF NEW YORK

REVISED 11-11-08
 DECEMBER 14, 2012

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