


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 2023-0151</p>
<p>In the Matter of the Application of</p> <p>JEFFREY & JULIE MILLER Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: November 30, 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. Jeffrey Miller2. Julie Miller

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and construction of a single family dwelling in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of AuSable, Clinton County.

This authorization shall expire unless recorded in the Clinton 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 Clinton County Clerk's Office. The Agency will consider the project in existence when either an authorized lot has been conveyed to an outside party or the authorized single family dwelling has been constructed.

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 50.23-acre parcel of land located on Union Road in the Town of AuSable, Clinton County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 304 , Block 1, Parcel 43.1, and is described in a deed from Rolland A. Tromblee, Jr, Amy J. Kennedy, Dennis Tromblee, and Raney Tromblee, being the Heirs at Law and Next of Kin of Joyce Ann Tromblee, Deceased, to Jeffrey Miller and Julie Miller, dated August 12, 2022, and recorded August 23, 2022 in the Clinton County Clerk's Office under Instrument Number 2022-00326704.

The project site contains wetlands along the southern property boundary and a drainage that runs from the south to the north behind an existing single family dwelling and garage constructed in 1999. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The project site was created as "Lot 43.1" in a three-lot subdivision authorized by Agency Permit 2022-0280.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision to create a 5.23-acre building lot to be improved by a single family dwelling with on-site wastewater treatment and a 45-acre lot containing existing residential development.

The project is shown on the following Project Plans: "Miller Subdivision 2023," prepared by Adirondack Surveying, PLLC and dated October 13, 2023 (Survey) and two sheets of plans titled "Proposed Development, Lands of Jeff Miller," prepared by Upstate Design Associates, LLC, and dated October 15, 2023 (Site Plans). A reduced-scale copy of the Sheet No. C1 of the Site Plans 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.

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 Clinton 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. This permit amends and supersedes Permit 2021-0280 in relation to the project site. The terms and conditions of Permit P2021-0280 shall no longer apply to the project site.
5. 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 2023-0151, issued November 30, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted on the Project Plans. Any subdivision of the project site not depicted on the Project Plans shall require prior written Agency authorization.
7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and garage on Lot 2 in the location, footprint, and height shown and as described on the Site Plans. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
8. Construction of any guest cottage on Lot 2 shall require prior written Agency authorization.
9. Any on-site wastewater treatment system on Lot 2 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 Proposed Development Plan. 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.
10. Any replacement or expansion of the existing on-site wastewater treatment system on Lot 1 shall require prior written Agency authorization.
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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.

12. The undertaking of any activity involving wetlands shall require a new or amended permit.
13. There shall be no more than 16 principal buildings located on Lot 1 at any time. The single family dwelling constructed on the property in 1999 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
14. There shall be no more than one principal building located on Lot 2 at any time. The single family dwelling authorized herein 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, 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 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;
- 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.

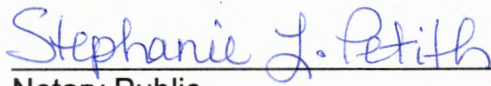
PERMIT issued this 30th day
of November, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 30th 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 20 25

Map Notes:

1. Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of section 7209, sub-division 2 of the New York State Education Law.
2. Only copies from the original of this Boundary Survey marked with an original of the Land Surveyor's embossed seal shall be considered valid true copies. (mylar prints shall be stamped with the surveyor's seal with an original signature)
3. Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to the persons for whom the Boundary Survey is prepared, to the title company, to the governmental agency, and to the lending institution listed on this Boundary Survey map and to the assignees of the lending institution. These certifications are not transferable to additional institutions or subsequent owners.
4. This map may not be used in connection with a "Survey Affidavit" or similar document, statement, or mechanism to obtain title insurance for any subsequent or future grantees.
5. Copyright 2023, Adirondack Surveying P.L.L.C. All rights reserved.
6. The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvement or encroachment exist or are shown, the improvements or encroachments are not covered by this certification.
7. North arrow and bearings based on Grid North - NAD83 NYSP East Zone(3101), NAVD83 (Geoid 03).
8. Building offsets, as shown on this map, are not to be used for construction purposes.
9. Subject to any and all right of ways and easements of record, if any.
10. Survey was performed without the benefit of an Abstract of Title and is subject to any findings one may show or those discoverable by inspection.
11. Assumed road line shown hereon based on a 3 road (48.75') road.
12. Survey subject to any right, title or interest the public may have in and to that portion of Union Road used for highway purposes.
13. Missing property corners were not set as a result of this survey.
14. Subject to Adirondack Park Agency Permit 2021-10250 issued May 03, 2022, and filed as Instrument #2022-324744 in the Clinton County Clerk's Office, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.
15. Parcel is located within the "Low Intensity" Adirondack Park Agency Land Use Classification.

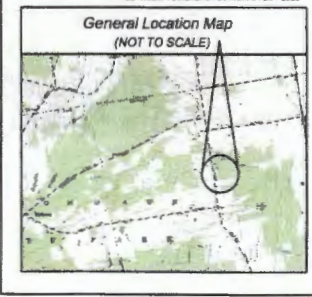
Reference Deeds:

1. Roland A. Tromblée, Jr., Amy J. Kennedy, Dennis Tromblée, Randy Tromblée and Joyce Ann Tromblée to Jeffrey Miller and Julie Miller by deed dated August 12, 2022 and recorded as Instrument #2022-326704 on August 23, 2022 in the Clinton County Clerk's Office
2. Adirondack Park Agency to Roland A. Tromblée and Amy J. Kennedy APA Permit 2021-0280, issued May 03, 2022 and recorded as Instrument #2022-324744 on May 31, 2022 in the Clinton County Clerk's Office

Tax Map Reference:

Section 304 - Block 1 - Lot 43.1
Town of Au Sable - County of Clinton

Adirondack Park Agency
FINAL
P2023-0151



Zoning Information:

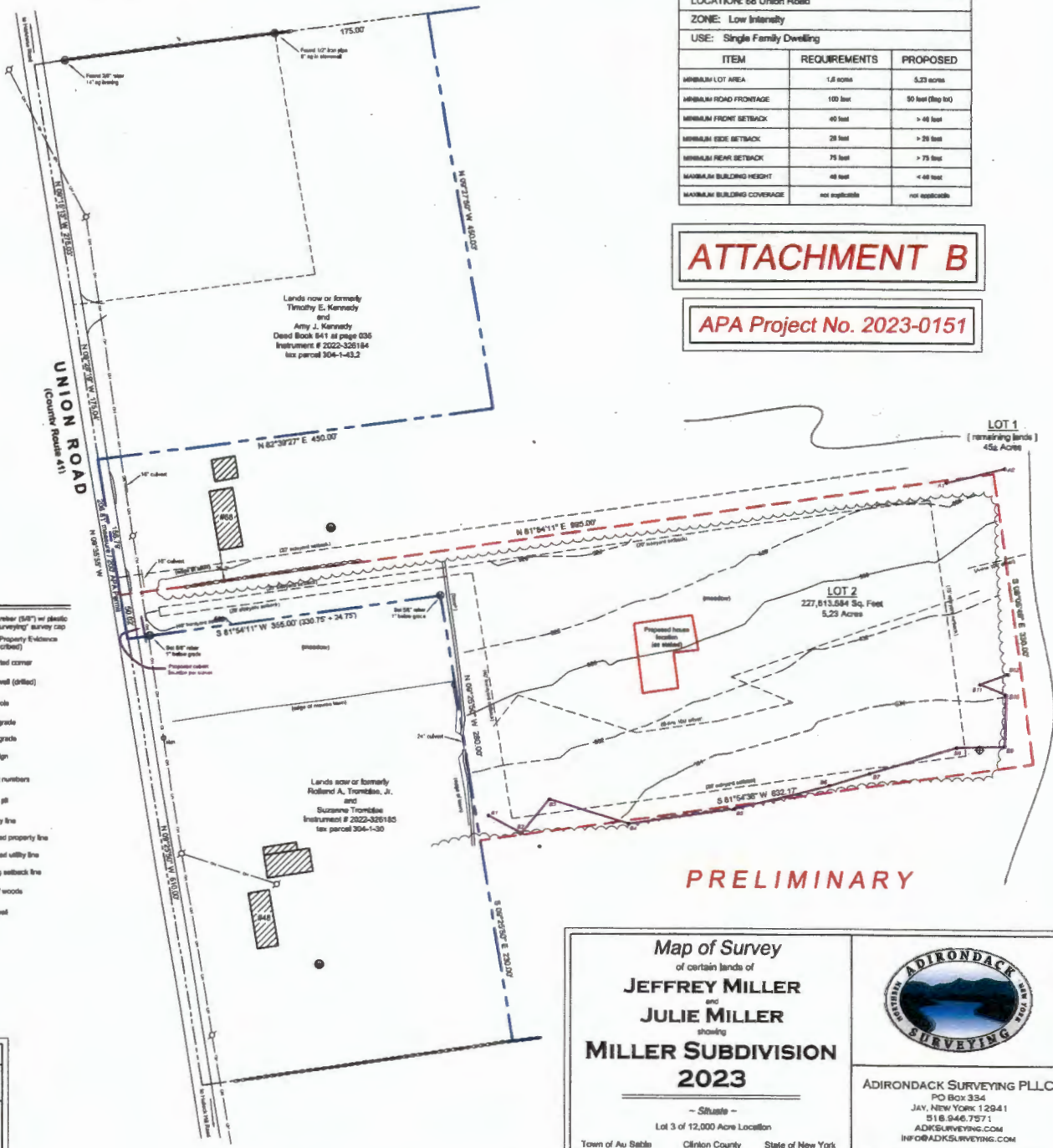
LOCATION: 68 Union Road		
ZONE: Low Intensity		
USE: Single Family Dwelling		
ITEM	REQUIREMENTS	PROPOSED
MINIMUM LOT AREA	1.5 acres	5.23 acres
MINIMUM ROAD FRONTAGE	100 feet	50 feet (Reg 61)
MINIMUM FRONT SETBACK	40 feet	> 40 feet
MINIMUM SIDE SETBACK	20 feet	> 20 feet
MINIMUM REAR SETBACK	75 feet	> 75 feet
MAXIMUM BUILDING HEIGHT	40 feet	< 40 feet
MAXIMUM BUILDING COVERAGE	not applicable	not applicable

ATTACHMENT B

APA Project No. 2023-0151

Legend:

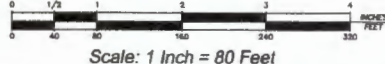
- ⊙ Set 60' stake (60") w/ plastic "ADK Surveying" survey cap
- ⊙ Found Property Evidence (as described)
- ⊙ Computed corner
- ⊙ Water well (drilled)
- ⊙ Utility pole
- bg Backer grade
- ag Above grade
- o/eg Road sign
- LOT 1 New lot numbers
- ⊕ Split lot pt
- Property line
- Proposed property line
- Overhead utility line
- Building setback line
- Edge of woods
- Stone wall
- Fence



PRELIMINARY

PROJECT SURVEYOR
Ralph C. Schissler III, L.S.
NYS License No. 050409

PRELIMINARY



Map of Survey
of certain lands of
JEFFREY MILLER
and
JULIE MILLER
showing
MILLER SUBDIVISION
2023

- Site -
Lot 3 of 12,000 Acre Location
Town of Au Sable Clinton County State of New York

ADIRONDACK SURVEYING P.L.L.C.
PO Box 334
JAY, NEW YORK 12941
518.946.7571
ADKSURVEYING.COM
INFO@ADKSURVEYING.COM

Project No.	2023-040	Scale	1" = 80'	Revision No.		Previous Description		Revision Date		Previous Drawing on
Date of Survey	07/19/23	Drafter	R. Schissler	07/27/23		revised Subdivision layout				
Date of Map	07/20/23	Checked by	R. Schissler	08/19/23		added topography / APA wellheads APA test pt / proposed house				