


THIS IS A TWO-SIDED DOCUMENT

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <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>2023-0169</b></p>
<p>In the Matter of the Application of</p> <p><b>BRIAN A. KNAPP and RONALD T. KONOWITZ</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: October 20, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Brian A. Knapp</b> <b>2. Ronald T. Konowitz</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Keene, 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 consists of two adjoining tax parcels, the Knapp Parcel and Konowitz Parcel, both located on Alstead Hill Lane in the Town of Keene, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map.

The Knapp Parcel is a 96.4±-acre parcel of land identified as Tax Map 44.3-1-67.100 and described in a deed from Conrad J. Knapp to Brian A. Knapp, dated August 20, 2021, and recorded August 27, 2021 in the Essex County Clerk's Office under Instrument Number 2021-4406 at Book 2048, Page 198.

The Konowitz Parcel is a 29.91±-acre parcel of land identified as Tax Map 44.3-1-19.220 and described in the following three deeds from Conrad J. Knapp to Ronald T. Konowitz: (1) a deed dated February 24, 2003 and recorded April 1, 2003 in the Essex County Clerk's Office at Book 1356, Page 64, (2) a deed dated October 29, 1992 and recorded October 29, 1992 at Book 1027, Page 246, and (3) a deed dated July 25, 1997 and recorded August 12, 1997 in the Essex County Clerk's Office at Book 1150, Page 318.

The Knapp Parcel was created as the 96.4±-acre lot in a two-lot subdivision as authorized by Agency Permit 2022-0147. The Knapp Parcel is improved by a pre-existing single family dwelling constructed in 1850, two barns constructed in 1900, a mobile home constructed in 2005, and various other sheds and accessory structures.

A portion of the Konowitz Parcel was created as the 20.28±-acre lot in a two-lot subdivision as authorized by Agency Permit 2002-0155. Condition 5 of that permit required the 20.28±-acre lot to be merged with adjoining lands of Konowitz to create a single un-divided parcel of 29.91± acres (the current day Konowitz Parcel). The Konowitz Parcel is improved by a single family dwelling constructed in 1993 and a detached garage constructed in 2008.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of the 96.4±-acre Knapp Parcel to create an 8.90±-acre lot to be conveyed and an 87.5±-acre lot to be retained (as the Amended Knapp Lot). The 8.90±-acre lot will be conveyed and merged with the adjoining 29.91±-acre Konowitz Parcel to create a 38.81±-acre lot (the 2023 Amended Konowitz Lot). No new land use and development is proposed.

The project is shown on the following maps, plans, and reports: "Map of Limited Survey Prepared for Brian A. Knapp and Ronald T. Konowitz," prepared by Kevin A Hall, LS and dated October 16, 2023 (Subdivision Plan). A reduced-scale copy of the Subdivision Plan for the project is attached as 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 that results in the creation of 5 or more lots, parcels, or sites since May 22, 1973 in a Rural Use 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 Subdivision 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. This permit supersedes permits 2022-0147 and 2002-0155 in relation to the project site. The terms and conditions of permits 2022-0147 and 2002-0155 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 2023-0169, issued October 20, 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 Subdivision Plan. Any subdivision of the Knapp Parcel or Konowitz Parcel not depicted on the Subdivision Plan shall require a new or amended permit.
7. Within 30 days of conveyance of the 8.90±-acre lot, a new deed shall be filed in the Essex County Clerk's office describing the 8.90±-acre lot and the 29.91±-acre Konowitz Parcel as a single, un-divided 38.81±-acre lot (the 2023 Amended Konowitz Lot). Any future subdivision of this undivided lot shall require a new or amended permit.
8. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit.
9. 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.

10. There shall be no more than 10 principal buildings located on the 87.5±-acre Amended Knapp Lot at any time, in addition to the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations. The mobile home constructed on the property in 2005 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
11. There shall be no more than three principal buildings located on the 38.81±-acre 2023 Amended Konowitz Lot at any time. The single family dwelling constructed on the property in 1993 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

### **CONCLUSIONS OF LAW**

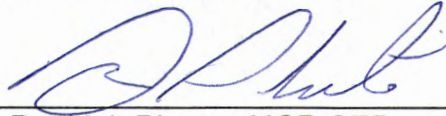
The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the subdivision authorized as conditioned herein:

- 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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the rural 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 20<sup>th</sup> day  
of October, 2023.

ADIRONDACK PARK AGENCY

BY:



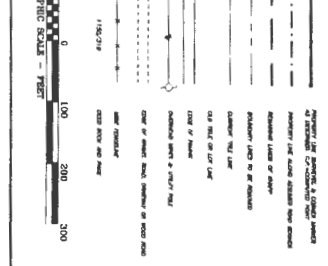
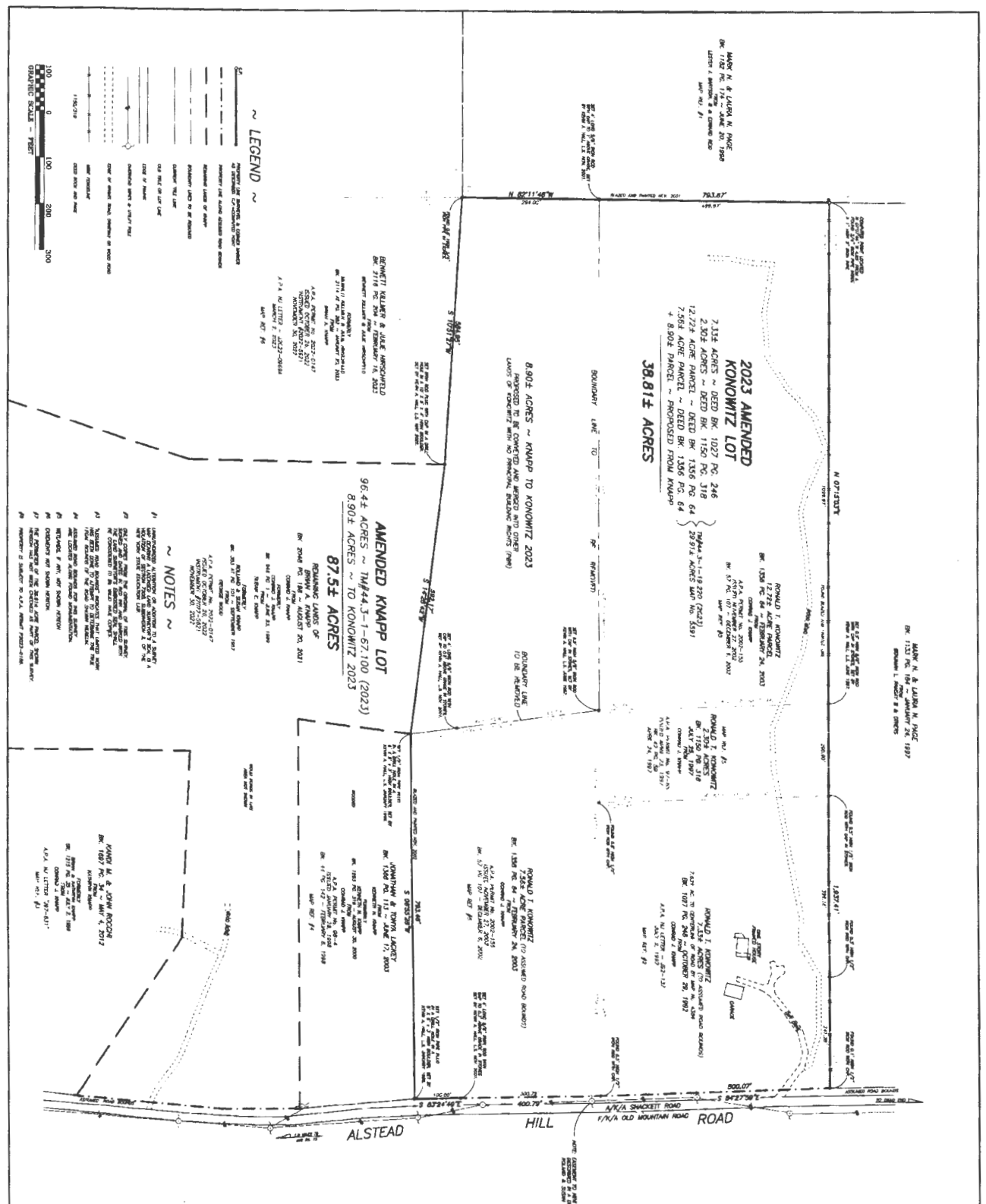
David J. Plante, AICP CEP  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 20<sup>th</sup> day of October 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



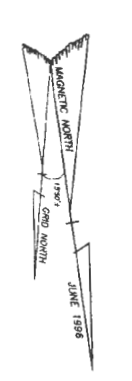
- NOTES ~**
- #1 BOUNDARY LINE TO BE CONVEYED AND ASSIGNED AND ORDERED TO BE CONVEYED WITH NO RESERVATION, EASEMENTS OR RIGHTS.
  - #2 BOUNDARY LINE TO BE CONVEYED AND ASSIGNED AND ORDERED TO BE CONVEYED WITH NO RESERVATION, EASEMENTS OR RIGHTS.
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- MAP REFERENCES ~**
- #1 MAP OF TOWN OF NEW HAVEN, CONNECTICUT, AS SHOWN IN LETTER 'A' OF RECORD MAP NO. 100, DATED OCTOBER 12, 1923.
  - #2 MAP OF TOWN OF NEW HAVEN, CONNECTICUT, AS SHOWN IN LETTER 'B' OF RECORD MAP NO. 100, DATED OCTOBER 12, 1923.
  - #3 MAP OF TOWN OF NEW HAVEN, CONNECTICUT, AS SHOWN IN LETTER 'C' OF RECORD MAP NO. 100, DATED OCTOBER 12, 1923.
  - #4 MAP OF TOWN OF NEW HAVEN, CONNECTICUT, AS SHOWN IN LETTER 'D' OF RECORD MAP NO. 100, DATED OCTOBER 12, 1923.
  - #5 MAP OF TOWN OF NEW HAVEN, CONNECTICUT, AS SHOWN IN LETTER 'E' OF RECORD MAP NO. 100, DATED OCTOBER 12, 1923.
  - #6 MAP OF TOWN OF NEW HAVEN, CONNECTICUT, AS SHOWN IN LETTER 'F' OF RECORD MAP NO. 100, DATED OCTOBER 12, 1923.
  - #7 MAP OF TOWN OF NEW HAVEN, CONNECTICUT, AS SHOWN IN LETTER 'G' OF RECORD MAP NO. 100, DATED OCTOBER 12, 1923.
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  - #11 MAP OF TOWN OF NEW HAVEN, CONNECTICUT, AS SHOWN IN LETTER 'K' OF RECORD MAP NO. 100, DATED OCTOBER 12, 1923.
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  - #18 MAP OF TOWN OF NEW HAVEN, CONNECTICUT, AS SHOWN IN LETTER 'R' OF RECORD MAP NO. 100, DATED OCTOBER 12, 1923.
  - #19 MAP OF TOWN OF NEW HAVEN, CONNECTICUT, AS SHOWN IN LETTER 'S' OF RECORD MAP NO. 100, DATED OCTOBER 12, 1923.
  - #20 MAP OF TOWN OF NEW HAVEN, CONNECTICUT, AS SHOWN IN LETTER 'T' OF RECORD MAP NO. 100, DATED OCTOBER 12, 1923.

**PLANNING BOARD ~**  
 APPROVED AS A BOUNDARY LINE ADJUSTMENT  
 BY THE PLANNING BOARD OF THE TOWN OF KEENE  
 AT A MEETING HELD ON SEPTEMBER 12, 2023.  
 ~ OJ-CHARR ~

FILED IN THE ESSAY CO. CLERK'S OFFICE AS MAP NO. 8008  
**MAP OF LIMITED SURVEY**  
 PREPARED FOR  
**BRAN A. KNAPP**  
 AND  
**RONALD T. KONOWITZ**  
 SHOWING A PROPOSED SETOFF OF 8.81± ACRES FROM  
 LANDS OF KNAPP & THE AMENDED KONOWITZ LOT 2023  
 AND OTHER LANDS OF RONALD T. KONOWITZ.  
 LOCATED IN LOT 20 OF THE OLD MILITARY TRACT  
 TOWNSHIPS 1 & 2 OF NEW HAVEN SURVEY  
 TOWN OF KEENE - COUNTY OF ESSAY - STATE OF NEW YORK  
 SCALE 1" = 100'  
 OCTOBER 16, 2023  
 E. J. HARRIS  
 CLERK  
 1000 STATE ST.  
 KEENE, N.H. 03424  
 603-352-1169

DATE	DESCRIPTION
10/16/23	FILED
10/16/23	RECEIVED
10/16/23	INDEXED



PLANNING BOARD APPROVED AS A BOUNDARY LINE ADJUSTMENT BY THE PLANNING BOARD OF THE TOWN OF KEENE AT A MEETING HELD ON SEPTEMBER 12, 2023.

PLANNING BOARD APPROVED AS A BOUNDARY LINE ADJUSTMENT BY THE PLANNING BOARD OF THE TOWN OF KEENE AT A MEETING HELD ON SEPTEMBER 12, 2023.