


THIS IS A TWO-SIDED DOCUMENT

 <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 2023-0192</p>
<p>In the Matter of the Application of</p> <p>SUSAN PENNINGTON Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued: December 7, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Susan Pennington</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 Waverly, Franklin County.

This authorization shall expire unless recorded in the Franklin 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 Franklin 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 16-acre parcel of land located on Shanley Road in the Town of Waverly, Franklin County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 239, Block 3, Parcel 16.1, and is described in a deed from Susan Pennington to Susan Pennington, as Sole Heir of Nicholas Pennington, dated August 1, 2023, and recorded August 10, 2023 in the Franklin County Clerk's Office under Instrument Number 2023-3546.

The project site is partially located within the designated St. Regis River Recreational River area.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the 16-acre project site to create a 1.7-acre parcel (Lot 1) and a 14.3-acre parcel (Lot 2).

The project is shown on a hand-annotated map entitled, "Map of Land Surveyed For Pennington & Hubbard", received by the Agency on November 13, 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 Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any subdivision of Rural Use 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 of Rural Use lands that results in the creation of a non-shoreline lot smaller than 7.35 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 Franklin 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 2023-0192, issued December 7, 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 prior written Agency authorization.
6. The undertaking of any new land use or development on Lot 2 within one-quarter mile of the St. Regis River shall require a new or amended permit.
7. The undertaking of any activity involving wetlands shall also require a new or amended permit.
8. The construction of any dwelling or other principal building on the project site shall require a new or amended permit.
9. Installation of any on-site wastewater treatment systems on the project site shall require prior written Agency approval.
10. There shall be no more than one principal building located on Lot 1. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
11. There shall be no more than one principal building located on Lot 2. 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 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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural 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 be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- g. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- h. 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 7th day of December, 2023.

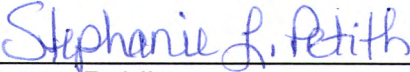
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

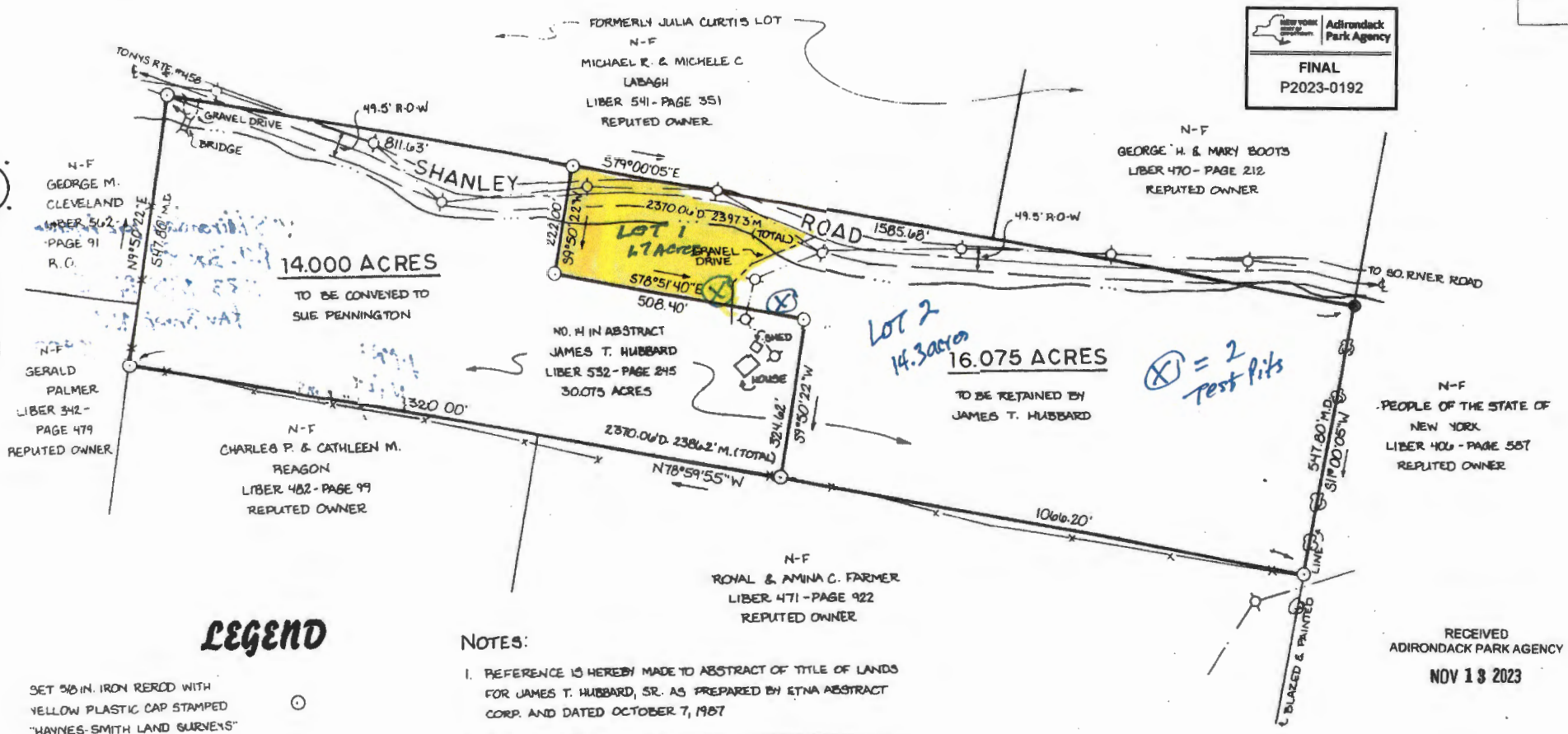
On the 7th day of December in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and 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



NEW YORK STATE
Adirondack
Park Agency
FINAL
P2023-0192



14.000 ACRES
TO BE CONVEYED TO
SUE PENNINGTON

LOT 2
14.3 acres
16.075 ACRES
TO BE RETAINED BY
JAMES T. HUBBARD

⊗ = 2
Test Pits

LEGEND

- SET 5/8 IN. IRON ROD WITH YELLOW PLASTIC CAP STAMPED "HAYNES-SMITH LAND SURVEYS" ⊙
- FOUND IRON PIPE ●
- NOW OR FORMERLY N-F
- CENTERLINE BROOK — · — · —
- UTILITY LINE — ○ —
- FENCE LINE — x — x —
- CENTERLINE — + —
- MEASURED & DEED DISTANCE M.D.

NOTES:

1. REFERENCE IS HEREBY MADE TO ABSTRACT OF TITLE OF LANDS FOR JAMES T. HUBBARD, SR. AS PREPARED BY ETNA ABSTRACT CORP. AND DATED OCTOBER 7, 1987
2. THIS SURVEY IS SUBJECT TO ANY AND ALL RESTRICTIONS OF THE ADIRONDACK PARK AGENCY AND ANY OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION
3. THE 14.000 ACRE LOT SHOWN ALSO INCLUDES A 50 FOOT WIDE RIGHT-OF-WAY FOR INGRESS & EGRESS ALONG THE EXISTING GRAVEL DRIVE AS WELL AS A POWER AND TELEPHONE EASEMENT ALONG THE EXISTING UTILITY LINES
4. NEITHER THE CURTIS OR HUBBARD DEEDS MAKE ANY MENTION OF THE SHANLEY ROAD ALONG THEIR RESPECTIVE BOUNDARIES. HOWEVER, BOTH THE BOOTS & LABAGH DEEDS CALL FOR BEING BOUNDED ON THE SOUTH BY THE SHANLEY ROAD

RECEIVED
ADIRONDACK PARK AGENCY
NOV 13 2023



Haynes & Smith Associates
PROFESSIONAL LAND SURVEYORS

P.O. Box 33 NICHOLVILLE, NY 12065 315-326-4472

MAP		
OF LAND SURVEYED FOR PENNINGTON & HUBBARD		
SCALE: 1" = 200'	TOWN OF WATERLY COUNTY OF FRANKLIN STATE OF NEW YORK	DRAWN BY JULIE L. FOSTER
DATE: OCTOBER 17, 1995		
THE ABOVE SHOWN PARCEL OF LAND SITUATE IN GREAT LOT 13, TOWNSHIP 10, GREAT TRACT ONE OF MACOMBS PURCHASE		
AS SURVEYED BY Bar C. Smith L.S. 49587	DRAWING NUMBER 95-98	