


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 2023-0199</p>
<p>In the Matter of the Application of</p> <p>HUESTIS LIVING TRUST Permittee</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: November 9, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Huestis Living Trust</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Ticonderoga, 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 68.50±-acre parcel of land located on NYS Routes 9N & 22; and Vineyard Road in the Town of Ticonderoga, Essex 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, Block 139.2, Parcel 2, Lot 42.1 (Parcel 42.1), and is a portion of Parcel Seven described in a deed from Gerald L. Huestis to The Huestis Living Trust, dated May 15, 2007, and recorded in the Essex County Clerk's Office under at Book 1555, Page 47.

The project site contains wetlands associated with Grant Brook. Additional wetlands not described herein or depicted on the Subdivision Plan may be located on or adjacent to the project site.

The project site is improved by a single family dwelling constructed in approximately 1940 and a single family dwelling constructed in 2015. The project site is subject to Agency Settlement Agreement E2018-0010, which authorized construction of the 2015 dwelling after-the-fact.

The boundaries of the project site were created by subdivision as authorized by Agency Permit 2018-0013. Agency Permit 2018-0013 also authorized the creation of a 0.87±-acre lot.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the project site to create:

- A 17.96 acre lot improved by the single family dwelling constructed in 2015, and
- A 50.54 acre lot improved by the pre-existing single family dwelling constructed in approximately 1940.

The project is shown on the following maps, plans, and reports:

- "Map of Survey Showing Certain Lands of The Huestis Living Trust," prepared by John A. Deming, L.S., and dated April 17, 2023, and received by the Agency on October 18, 2023 (Subdivision Plan); and
- Sketch plan received by the Agency on August 6, depicting the existing on-site wastewater treatment systems and replacement areas for the pre-existing dwelling on Parcel 42.1 and the single family dwelling located on the 0.87±acre lot described in Agency Permit 2018-0013 (Easement Plan).

A reduced-scale copy of the Subdivision Plan for the project 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 involving wetlands 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 that results in the creation of four 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 the 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, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Agency Permit 2018-0013 in relation to the project site. The terms and conditions of Permit 2018-0013 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 2023-0199, issued November 9, 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 project site not depicted on the Subdivision Plan shall require a new or amended permit.
7. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit.
8. Any deed of conveyance for the 50.54±-acre lot shall include an easement for the installation and maintenance of replacement on-site wastewater treatment system leachate fields as depicted in the Easement Plan.
9. There shall be no more than six principal building(s) located on the 17.96-acre lot at any time. The single family dwelling constructed on the property in 2015

constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

10. There shall be no more than 16 principal building(s) located on 50.54-acre lot, 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.
11. Any new, replacement or expansion on-site wastewater treatment system absorption field installed on the 50.54±-acre lot shall be constructed in the locations depicted on the Easement Plan. Any such on-site wastewater treatment system shall meet all requirements set forth by the New York State Department of Health's "Wastewater Treatment Standards for Individual Household Systems" (10 NYCRR Appendix 75 A), pursuant to a plan prepared by a New York State design professional (licensed engineer or registered architect) and approved by the Agency.

Installation of the approved plans shall be under the supervision of a licensed design professional. Within 30 days of complete system installation and prior to utilization, the design professional shall provide the Agency with written certification that the system was built in compliance with the approved plans.

Any new or replacement on-site wastewater treatment system leachate fields on the 50.54±-acre lot that are not depicted on the Easement Plan shall require prior written Agency authorization.

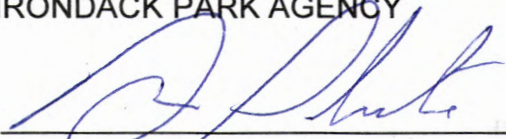
CONCLUSIONS OF LAW

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 9th day
of November, 2023.

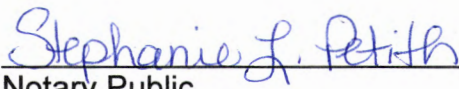
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 9th 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.

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


Notary Public

