


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 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Permit 2018-0207A</p>
<p>In the Matter of the Application of</p> <p>MGH ESTATES, LLC Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: February 7, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. MGH Estates, LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a six-lot subdivision in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Northampton, Fulton County and the Town of Edinburg, Saratoga County.

This authorization shall expire unless recorded in the Fulton and Saratoga County Clerk's offices 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 county clerk's offices. 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 107.76±-acre parcel of land located on the north side of White Birch Road in the Town of Northampton, Fulton County and the Town of Edinburg, Saratoga County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Town of Northampton Tax Map Parcel 61.1-1-3 and Town of Edinburg Tax Map Parcel 93-1-34.111. The project site is described in a deed from Larry Joe Chaplinski to MGH Estates LLC, dated December 6, 2013, and recorded December 12, 2013 in the Fulton County Clerk's Office under Instrument Number 2013-23575, and recorded January 29, 2014 in the Saratoga County Clerk's Office under Instrument Number 2014002890.

The project site contains wetlands with a mixed forested (coniferous and deciduous) covertype with a value rating of "2" pursuant to 9 NYCRR Part 578. 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 part of an eight-lot subdivision authorized by Agency Permit 2018-0207 (Instrument Number 2020-60994). The project site is Lots 13, 15, 16, 17, 18, and 19 as authorized by Agency Permit 2018-0207. Lot 1 was separately conveyed in 2022 (Instrument Number 2022-78344). Lot 14 was separately conveyed in 2023 (Instrument Number 2023-80707).

PROJECT DESCRIPTION

The project as conditionally approved herein involves subdivision of the project site to create six new residential lots, referred to in the Project Plans as Lots 13, 15, 16, 17, 18, and 19. The six new residential lots are located north of White Birch Road, will each be developed with one new single family dwelling, will each be served by an on-site wastewater treatment system and on-site water supply, and will be accessed by individual private driveways.

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

- A map titled "Map of a Proposed Subdivision made for MGH Estates, LLC," prepared by Van Dusen & Steves Land Surveyors, and last dated September 22, 2022 (Subdivision Map).
- Three maps and plans titled "Subdivision of Land for Lot 1 of MGH Estates LLC, Towns of: Northampton, Fulton County, Edinburg, Saratoga County," prepared by John Bartell, PE, and dated March 1, 2020 (Development Plans):
 - Site Plan of Subdivision of Lot 1;
 - Map of Field Delineated Wetland Areas; and
 - Details.

The Development Plans should be used for development and wetland information only; they do not accurately depict the subdivision boundaries authorized herein.

- A report titled “MGH Estates LLC Phase II, Town of Northampton, Fulton County, Town of Edinburg, Saratoga County, Basic Stormwater Pollution Prevention Plan,” prepared by Lansing Engineering, and dated October 3, 2019 (Stormwater Plan).
- An “Erosion and Sediment Control Plan,” prepared by Charles R. Ackerbauer, PELS, dated August 9, 2015, and last revised November 22, 2015 (Erosion and Sediment Control Plan).

A reduced-scale copy of the Subdivision Map is attached as part of this permit for easy reference. The original, full-scale maps, plans, and reports described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

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.

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.

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 five or more lots, parcels, or sites since May 22, 1973, in a Rural Use land use area in the Adirondack Park.

Pursuant to Condition 8 of Permit 2018-0207, a new or amended permit is required for any subdivision of the project site.

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 and the Saratoga 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 all 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 2018-0207 in relation to the project site. The terms and conditions of Permit 2018-0207 shall no longer apply to the project site.

Deeds

Recordation

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 2018-0207A, issued February 7, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Subdivision

6. Subject to the conditions stated herein, this permit authorizes a six-lot subdivision as depicted on the Subdivision Map. Any subdivision of the project site not depicted on the Subdivision Map shall require a new or amended Agency permit.

Development

Construction Location and Size

7. On each of the six new residential lots, subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and accessory structures (attached or detached) within the limits of clearing shown on the Development Plans. All structures shall be no more than 38 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The combined maximum footprint of the single-family dwelling and accessory structure(s) on any lot shall not exceed 5,000 square feet, including all attached structures such as porches, decks, garages and stairs. Detached accessory use structures shall be no greater than 240 square feet in footprint. Any expansion beyond these dimensions shall require prior written Agency authorization. The construction of any dwelling or accessory structure outside of the limits of clearing shown on the Development Plans shall require a new or amended Agency permit.

Guest Cottages

8. Construction of any guest cottage on any lot shall require prior written Agency authorization. Due to site constraints, the Agency makes no assurances that any proposed guest cottage could be approved.

Outdoor Lighting

9. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Great Sacandaga Lake, public roads, or adjoining property.

Building Color

10. All exterior building materials, including roof, siding and trim, of any structure on the project site shall be a dark shade of green, grey, or brown.

Tree Cutting/Vegetation Removal

11. On the six new residential lots, outside of the limits of clearing shown on the Development Plans, no trees or vegetation may be cut, culled, trimmed, pruned, or otherwise removed or disturbed without prior written Agency authorization, except for (a) an area up to 20 feet in width for driveway construction and utility installations on each lot, (b) the removal of trees for firewood for on-site use, and (c) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

Wetlands

12. The undertaking of any activity involving wetlands shall require a new or amended permit.

Invasive Species Control/Sanitizing Equipment

13. 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.

Density

14. There shall be no more than one principal building located on each of the six new residential lots at any time. Each single-family dwelling authorized herein constitutes a principal building.

Infrastructure

Wastewater

15. Any on-site wastewater treatment system on the six new residential lots 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 Development Plans. 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.

16. No single family dwelling on the project site shall contain more than five bedrooms.

Erosion and Sediment Control and Stormwater Management

17. The project shall be undertaken in compliance with the Project Plans.

Signs

18. All signs associated with subdivision of the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3]. The existing 12.5-square-foot sign advertising lot sales shall be located a minimum of 10 feet from all road beds.

CONCLUSIONS OF LAW

For the portion of the project site in the Town of Northampton, 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 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 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 result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.

For the portion of the project site in the Town of Edinburg, 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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Edinburg;
- b. 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;
- c. 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
- d. will result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this 7th day
of February, 2024.

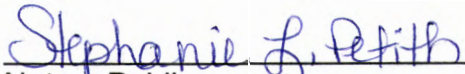
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 7th day of February in the year 2024, 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

