


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 2023-0184</p>
<p>In the Matter of the Application of</p> <p>HALEY'S MOTEL, INC. and JON SCOTT WILLOUGHBY Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: January 18, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Haley's Motel, Inc.</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and construction of one new single family dwelling in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Johnsburg, Warren County.

This authorization shall expire unless recorded in the Warren 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 Warren 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 50.78±-acre parcel of land located on both sides of Cleveland Road in the Town of Johnsbury, Warren 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 164, Block 1, as parcel 15, and is described in a deed from Jonathan T. Matlack and Diana D. Matlack to Haley's Motel, Inc., dated August 27, 2021, and recorded September 24, 2021 in the Warren County Clerk's Office under Instrument Number 2021-7985 in Book 6453 at Page 172.

The project site contains wetlands associated with Mill Creek, which bisects the project site. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision and construction of one new single-family dwelling. The proposed subdivision will create Lot 1, a 44.58±-acre parcel to be improved by one new single-family dwelling with an on-site water supply and an on-site wastewater treatment system; and Lot 2, an 8.5±-acre parcel improved by a pre-existing single-family dwelling served by an on-site water supply and an on-site wastewater treatment system, barn and shed.

The project is shown on the following four plan sheets (Project Plans):

- Subdivision Plan (Sheet 1 of 4) titled "Subdivision of Lands of Haley's Motel, Inc.," prepared by EDP – Environmental Design Partnership, LLP, dated August 29, 2023, last revised November 3, 2023, and received by the Agency on November 8, 2023;
- Map of Survey titled "Map of a Survey of Lands of Haley's Motel, Inc.," prepared by Magee Land Surveying, dated February 10, 2023, and received by the Agency on November 8, 2023;
- Lot 1 Site Plan (Sheet 3 of 4) titled "Subdivision of Lands of Haley's Motel, Inc.," prepared by EDP – Environmental Design Partnership, LLP, dated August 29, 2023, last revised November 3, 2023, and received by the Agency on November 8, 2023; and
- Site Details (Sheet 4 of 4) titled "Subdivision of Lands of Haley's Motel, Inc.," prepared by EDP – Environmental Design Partnership, LLP, dated August 29, 2023, last revised November 3, 2023, and received by the Agency on November 8, 2023.

A reduced-scale copy of the Subdivision Plan and the Lot 1 Site Plan of the Project Plans are 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 Warren 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 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. 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 2023-0184, issued January 18, 2024, 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 Subdivision Plan of the Project Plans. Any subdivision of the project site not depicted on the Subdivision Plan shall require prior written Agency authorization.
6. Subject to the conditions stated herein, this permit authorizes the construction of one new three-bedroom single family dwelling on Lot 1 in the location and footprint shown on the Lot 1 Site Plan of the Project Plans. The dwelling shall not exceed 32 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. Any change to the location or dimensions of the authorized structure shall require prior written Agency authorization.
7. The construction of any additional dwelling or other principal building on the project site shall require prior written Agency authorization. The construction of any additional accessory structure on the project site outside of the "proposed limits of clearing" shown on the Lot 1 Site Plan, outside of the existing "tree line" on Lot 2 shown on the Map of Survey shall require prior written Agency authorization.
8. Construction of any guest cottage on the the project site shall require prior written Agency approval.

9. Any on-site wastewater treatment system on Lot 1 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 Lot 1 Site Plan and the Site Details of the Project 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.

10. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan shown on the Project Plans.
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. Any new free-standing or building-mounted outdoor lights on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Cleveland Road or adjoining property.
13. All exterior building materials, including roof, siding and trim, of the authorized dwelling or any new accessory structure on the project site shall be a dark shade of green, grey, or brown.
14. Outside of the "proposed limits of clearing" shown on the Lot 1 Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on Lot 1 without prior written Agency authorization, except for the removal of trees for firewood, and dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
15. The undertaking of any activity involving wetlands shall require a new or amended permit.

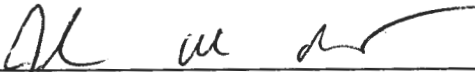
CONCLUSIONS OF LAW

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 and single family dwelling 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 Johnsbury;
- 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 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.

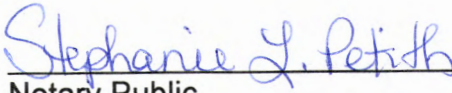
PERMIT issued this 18th day of January, 2024.

ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 18th day of January in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, 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



SITE LOCATION MAP
SCALE: 1" = 2,000'

SITE STATISTICS:

ZONING: MOB.5 (RURAL MIXED USE 8.5)
APA LAND USE: RURAL USE
EXISTING LOT AREA: 53.08± ACRES
EXISTING USE: SINGLE FAMILY RESIDENCE
PROPOSED USE: SINGLE FAMILY SUBDIVISION (2 LOTS)
ALLOWABLE DENSITY: 8.5 ACRES/PRINCIPAL BLDG
 MAX 8 PRINCIPAL BLDGS ALLOWED
PROPOSED LOT AREA:
 LOT 1 44.58± ACRES
 LOT 2 8.50± ACRES
BUILDING SETBACKS:
 FRONT: 40 FT
 REAR: 25 FT
 SIDE: 20 FT
BUILDING HEIGHT: 35 FT MAX
UTILITIES:
 WATER: ONSITE DRILLED WELLS
 SEWER: ONSITE WASTEWATER SYSTEMS

SURVEY NOTES:

- 1) Limited topography as prepared for the Environmental Design Partnership, LLC, Planning Department.
- 2) Boundary survey prepared by Middle Land Surveying, D.P.C. and provided by the client. The Environmental Design Partnership, LLC, has not conducted any other or more recent, any boundary or other survey herein was located by Middle Land Surveying, D.P.C.
- 3) All underground utilities, if any, not field located.
- 4) Limited topographic field instrument survey completed on August 10, 2023.
- 5) Elevation datum: 1988 NAVD.

LEGEND:

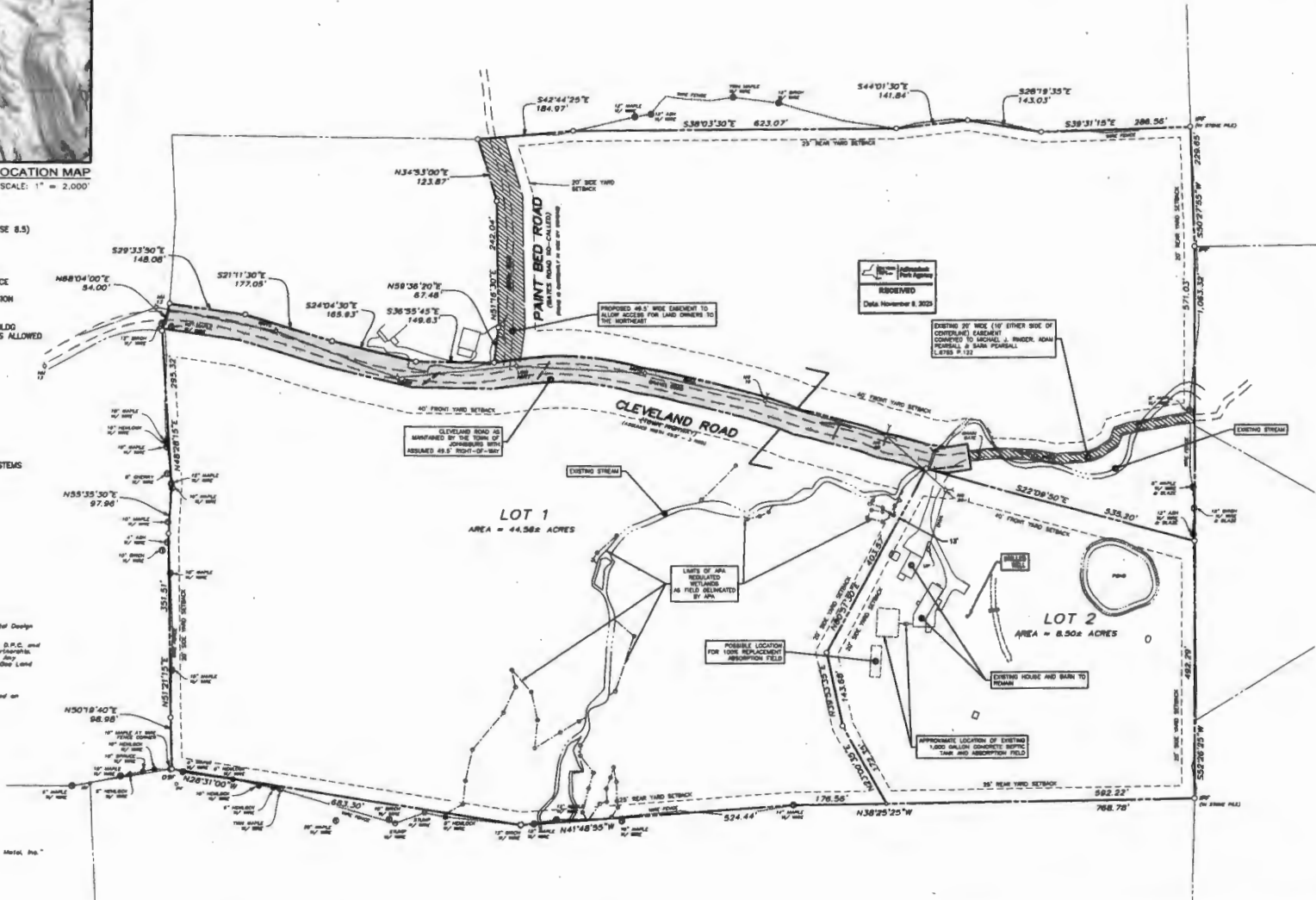
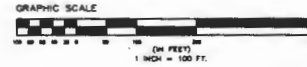
~10.31± denotes Topographic 1' Contour Line
 AP denotes Single Tree Planted
 CLP denotes Curved/angled Metal Pipe
 DCP denotes Street Light Pole
 ECP denotes Edge of Road
 FPP denotes Fire Hydrant
 GCP denotes Gas Main Pipe
 HCP denotes High Voltage Utility Pole
 LCP denotes Low Voltage Utility Pole
 LCP denotes Utility Pole

MAP REFERENCE:

- 1) Map Entitled "Map of a Survey of Lands of Haley's Motel, Inc." Map Date: February 10, 2023. Prepared by Middle Land Surveying, D.P.C. (Provided by the client)

RECEIVED
Date November 8, 2023

PERAL
P2023-0184

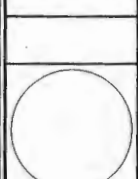


**SUBDIVISION OF LANDS OF
HALEY'S MOTEL, INC**

LOCATED AT 182 CLEVELAND ROAD
TOWN OF JOHNNSBURG
WARREN COUNTY, NEW YORK

TAX MAP ID 164-1-15
AUGUST 29, 2023

REVISION	DATE	BY



SCALE: 1" = 100'
NOT FOR CONSTRUCTION

SHEET TITLE:
SUBDIVISION PLAN

SHEET:
1 of 4

FOR MUNICIPAL APPROVAL ONLY - NOT INTENDED FOR CONSTRUCTION

MAP REFERENCES

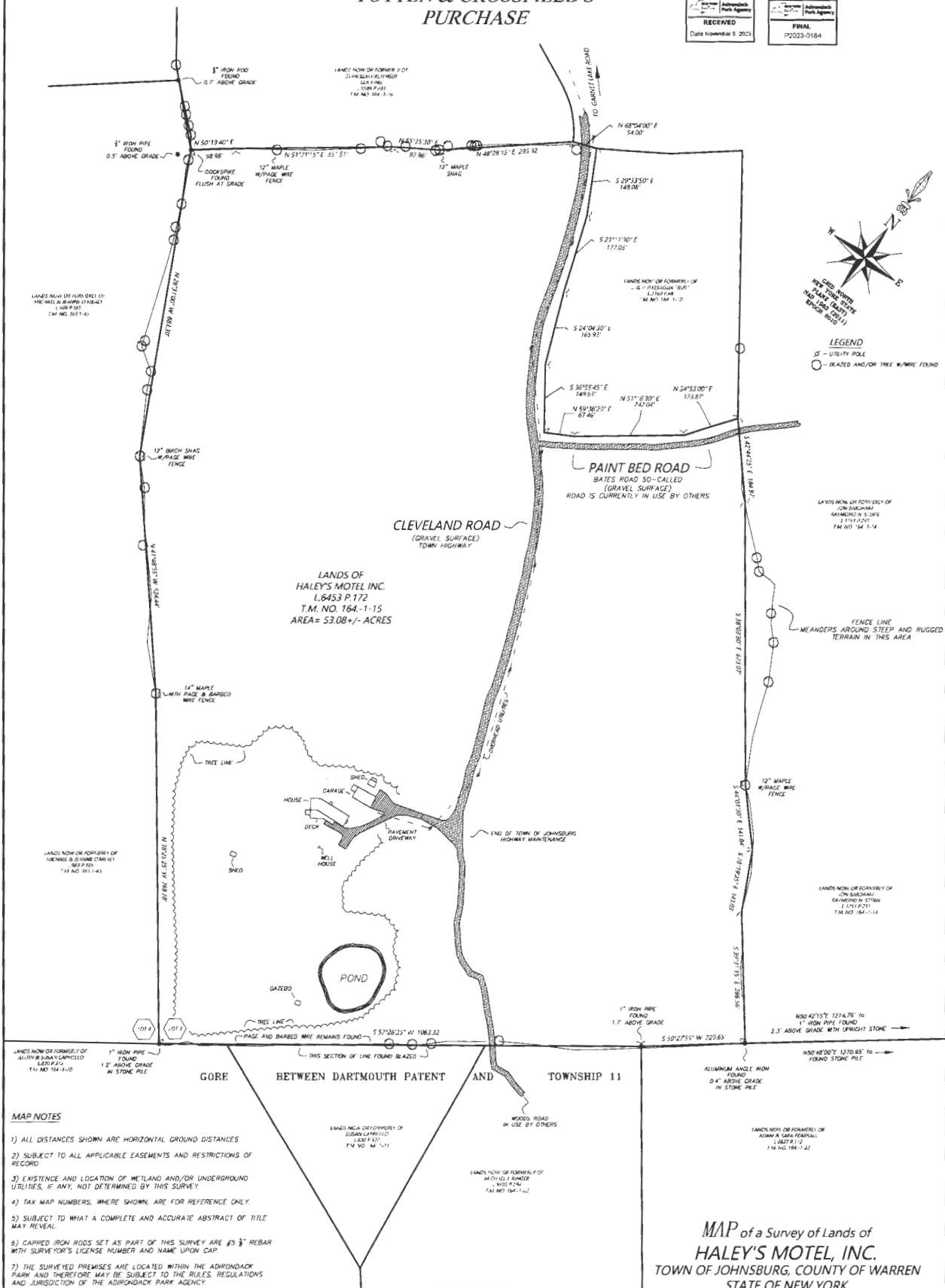
1) MAP OF SURVEY OF LANDS TO BE CONVEYED FROM DONALD & ELIZABETH WALD, TOWN OF JOHNSBURG, WARREN COUNTY, NEW YORK, PREPARED BY W.J. ROURKE ASSOCIATES, LICENSED LAND SURVEYORS, DATED DECEMBER 29, 1986, LAST REVISED MAY 23, 1989, FILED IN THE WARREN COUNTY CLERK'S OFFICE ON JUNE 12, 1989 IN PLAT CABINET A, SLIDE 82

BEING PART OF LOT 3 11TH TOWNSHIP TOTTEN & CROSSFIELD'S PURCHASE

SURVEYOR'S NOTE

1) WITHIN CERTAIN AREAS FENCE LINES ARE BEST AVAILABLE EVIDENCE OF THE BOUNDARY. THESE FENCES DO NOT NECESSARILY FALL ON TITLE LINES. IT APPEARS THAT THESE FENCES HAVE LONG BEEN HELD TO AS THE BOUNDARY BETWEEN OWNERSHIP BASED ON THE AGE OF THE FENCE, AND THE ACTIONS (POSTING & LOGGING) OF ADJOINING LAND OWNERS.

RECEIVED Date November 8, 2023 FINAL P2023-0184



- MAP NOTES: 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES. 2) SUBJECT TO ALL APPLICABLE EASEMENTS AND RESTRICTIONS OF RECORD. 3) EXISTENCE AND LOCATION OF WETLAND AND/OR UNDERGROUND UTILITIES, IF ANY, NOT DETERMINED BY THIS SURVEY. 4) TAX MAP NUMBERS, WHERE SHOWN, ARE FOR REFERENCE ONLY. 5) SUBJECT TO WHAT A COMPLETE AND ACCURATE ABSTRACT OF TITLE MAY REVEAL. 6) CAPPED IRON RODS SET AS PART OF THIS SURVEY ARE #5 3/8" REBAR WITH SURVEYOR'S LICENSE NUMBER AND NAME UPON CAP. 7) THE SURVEYED PREMISES ARE LOCATED WITHIN THE ADIRONDACK PARK AND THEREFORE MAY BE SUBJECT TO THE RULES, REGULATIONS AND JURISDICTION OF THE ADIRONDACK PARK AGENCY.

MAP of a Survey of Lands of HALEY'S MOTEL, INC. TOWN OF JOHNSBURG, COUNTY OF WARREN STATE OF NEW YORK

MAGEE LAND SURVEYING logo with a shamrock and contact information: 716-534-4746, magesurveying@gmail.com

NOT VALID UNLESS SIGNED SURVEYOR: MAGEE (54 5782) DATE: 02-10-2023