


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 2024-0184</p>
<p>In the Matter of the Application of</p> <p>JOSHUA TENNANT, JUSTIN TENNANT AND CHRISTIAN-DIEGO TENNANT Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577 and 9 NYCRR Part 578</p>	<p>Date Issued: October 7, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Joshua Tennant2. Justin Tennant3. Christian-Diego Tennant

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and the construction of a single family dwelling and boathouse in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Franklin, 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.

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 9.98-acre parcel of land located on Eskerview Road in the Town of Franklin, Franklin 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 Section 352, Block 2, Parcel 9, and is described in a deed from Patricia A. Tennant to Christian-Diego Tennant, Justin Tennant and Joshua Tennant, dated May 1, 2024, and recorded May 20, 2024 in the Franklin County Clerk's Office under Instrument Number 2024-2391.

The project site contains shoreline on and wetlands associated with Rainbow Lake. Additional wetlands not described herein or depicted on the Site Plan are located on or adjacent to the project site.

The project site is improved by a pre-existing single-family dwelling, accessory garage and boathouse.

The project site was created as "Lot 9" in a two-lot subdivision as authorized by Agency Permit 2024-0112.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the 9.98-acre project site to create a 6.37-acre parcel (Lot 1) improved by a pre-existing single family dwelling, accessory garage and boathouse and a 3.61-acre vacant parcel (Lot 2) to be improved by a new single family dwelling and boathouse.

The project is shown on the following maps and plans:

- A five page set of plans entitled, "Tennant Family Home 28 Esker View Road Onchiota, NY 12989", prepared by Dominic Fontana, P.E. and a revised date of September 3, 2024 (Septic Plans).
- A one-page hand drawn sketch of a boathouse received by the Agency on September 13, 2024 (Boathouse Plan).
- A one-page map entitled, "Map Showing Lands of Christian-Diego Tennant, Justin Tennant and Joshua Tennant," prepared by John H. Martino, L.S. and dated September 18, 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 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 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, Septic Plans, Boathouse Plan 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 and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Permit 2024-0112 in relation to the project site. The terms and conditions of Permit 2024-0112 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 2024-0184, issued October 7, 2024, 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 Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require a new or amended permit.
7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on Lot 2 in the location shown on the Site Plan.

The single family dwelling shall not exceed 35 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The single family dwelling shall be less than 2500 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any change to the location or dimensions of the dwelling shall require prior written Agency authorization.

8. This permit authorizes the construction of one boathouse on Lot 2 in the location depicted on the Site Plan and the footprint and configuration shown on the Boathouse Plan.

The boathouse must be used only for the storage of boats and associated equipment, not contain sanitary plumbing of any kind, not exceed a single story in that the roof rafters rest on the top plate of the first floor wall, and have a height of 15 feet or less.

9. The undertaking of any new land use or development not authorized herein on the project site shall require prior written Agency authorization. The undertaking of any activity involving wetlands shall require a new or amended permit.

10. Construction of any guest cottage on the project site shall require prior written Agency approval.
11. This permit authorizes the replacement of the existing boathouse on Lot 1 in the location as depicted on the Site Plan.
12. Prior to undertaking construction of any dock on the project site, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
13. No structures greater than 100 square feet in size, other than the boathouse, shall be constructed within 75 feet, measured horizontally, of the mean high water mark of Rainbow Lake.
14. Any on-site wastewater treatment system on Lot 2 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 Septic 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.

15. 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.
16. 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 Rainbow Lake or adjoining property.
17. Within 50 feet of the mean high water mark of Rainbow Lake, no trees, shrubs or other woody-stemmed vegetation be cut or otherwise removed on Lot 2 without prior written Agency authorization, except 1) to maintain the existing foopath shown on the Site Plan, 2) for the removal of an area up to 6 feet in width, to allow for access to the boathouse authorized herein, and 3) for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
18. There shall be no more than one principal building located on Lot 1, in addition to the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.

- 19. There shall be no principal buildings located on Lot 2 other than the dwelling authorized herein.

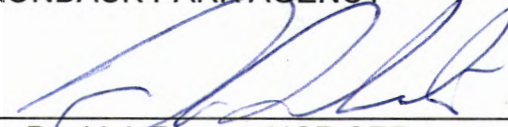
CONCLUSIONS OF LAW

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/single family dwelling 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;
- 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 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 7th day of October, 2024.

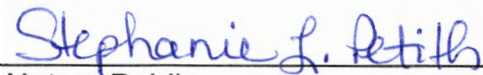
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 7th day of October 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.

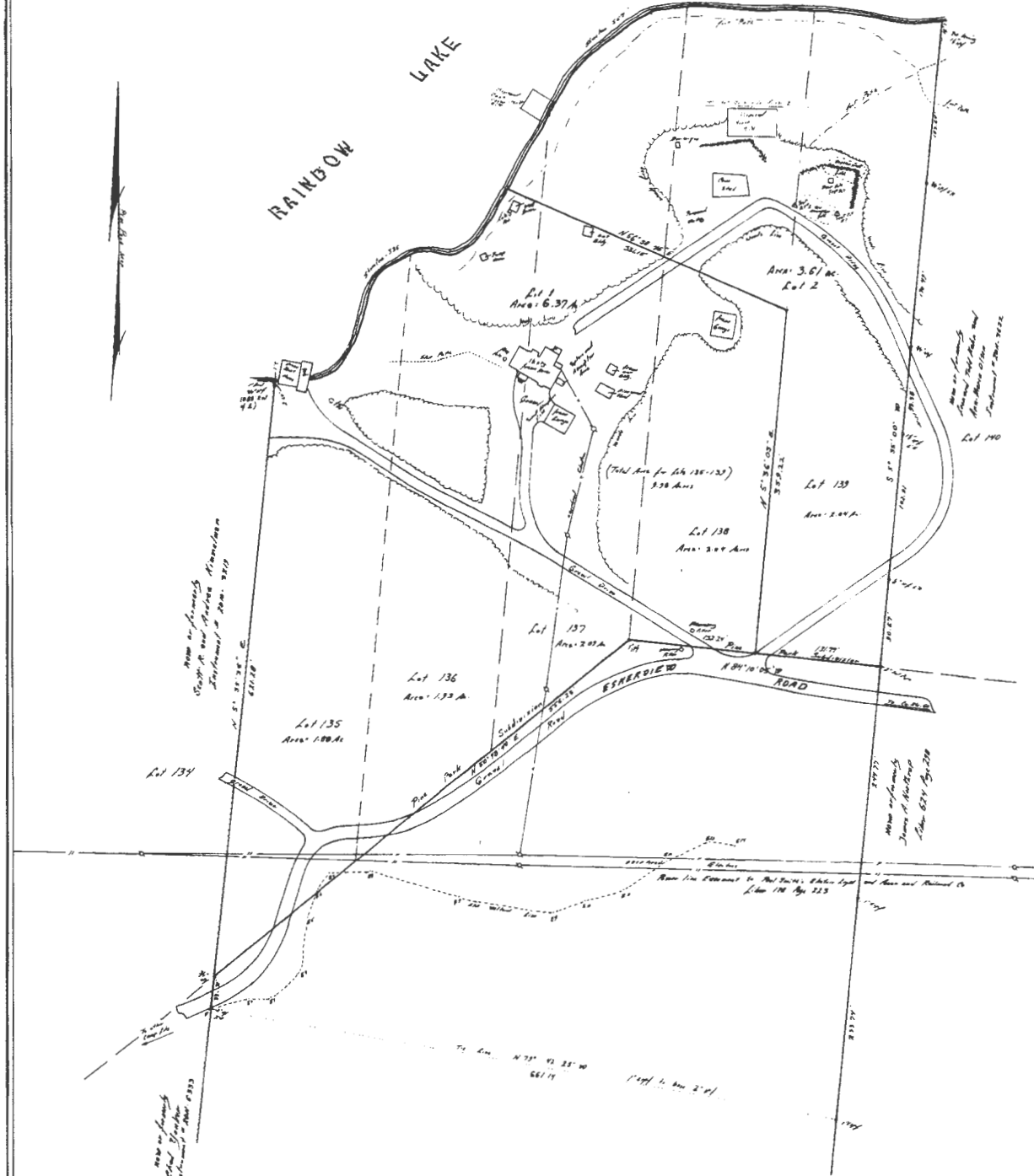
Stephanie L. Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025


Notary Public

12/1 - 1922 pipe flood
11/1 - 1922 red flood

RECEIVED
Date September 13, 1934

FINAL
P2024-0194



**MAP SHOWING LANDS OF
CRISTIAN-DIEGO TENNANT,
JUSTIN TENNANT & JOSHUA TENNANT**

Section 21
Grant Lot 331 Township 10
Old Military Tract
Town of Franklin County of Franklin
State of New York

Scale: 1 inch = 30 feet

- 1 Cristian-Diego Tennant
- 2 Justin Tennant
- 3 Joshua Tennant

Note: 1 Only copies from the original of this survey, signed and sealed in full lot and marked with an original of the Land Surveyor's Certificate Seal, shall be considered to be the standard of the land surveyed.
2 It is a violation of the State Education Law for any person, unless acting under the direction of a licensed Land Surveyor, to alter in any way.

Note: This Map and Survey were prepared for the parties and parties interested herein. Any alteration of the same beyond the survey agreed to between the client and the Surveyor invalidates the scope of the survey map.

Field Reference: Patricia A. Tennant, ex Christian-Diego Tennant, Justin Tennant and Joshua Tennant by deed recorded on May 27, 1924 at Book 4, 200-2001.
Map Reference: "Plan Part in the Adirondacks, belonging to the Parsons Lake Club, Incorporated Co. Situated in Putnam County" by C. M. Parsons, Jr., dated Dec. 1913 and Jan. 1914.

Preliminary

Survey Completed: September 10, 1934
Map Compiled:
John H. Martin, Jr. - L. M. 9235