


THIS IS A TWO-SIDED DOCUMENT

 Adirondack Park Agency P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	APA Permit 2024-0214
In the Matter of the Application of KATHRYN & MARK GILLIGAN Permittees for a permit pursuant to § 809 of the Adirondack Park Agency Act	Date Issued: October 7, 2024
	To the County Clerk: Please index this permit in the grantor index under the following names: 1. Kathryn Gilligan 2. Mark Gilligan

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and construction of one single family dwelling in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of North Elba, 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 0.75-acre parcel of land located on Mirror Lake Drive in the Town of North Elba, Essex County, in an area classified Moderate Intensity Use and Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 42.26, Block 2, Parcels 1.100 & 1.200, and is described in a deed from Barry P. Marshall & Susan C. Marshall to Mark E. Gilligan & Kathryn A. Gilligan, dated January 17, 2006, and recorded January 20, 2006 in the Essex County Clerk's Office at Book 1477, Page 28.

The project site is improved by an existing single family dwelling and detached garage, and is serviced by municipal water supply and sewer systems.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision and construction of a single family dwelling.

The project is shown on a Survey Map titled "Map Showing Proposed Boundary Line Adjustment for Mark E. Gilligan & Kathryn A. Gilligan," prepared by Leifheit & Littlefield Land Surveying, dated February 29, 2024 and received by the Agency on August 8, 2024. A reduced-scale copy of the Survey Map is 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 of Moderate Intensity Use lands that results in the creation of a non-shoreline lot smaller than 0.92 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 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 Survey Map 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 2024-0214, issued October 7, 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 Survey Map.

6. The Moderate Intensity Use portion of the 0.515-acre lot shall not be conveyed separately from the Hamlet portion.

7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on the 0.235-acre lot within the building envelope shown on the Survey Map.

The single family dwelling shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade.

8. Construction of any guest cottage on the 0.235-acre lot shall require prior written Agency authorization.

9. Any boathouse constructed on the 0.515-acre lot 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 footprint of 1,200 square feet or less and a height of 15 feet or less.

10. Any dock constructed on the 0.515-acre lot must be a floating or fixed structure no more than 8 feet in width, including at its attachment to a shoreline or boathouse, and must be used for securing and/or loading or unloading water craft and/or for swimming or water recreation. Any supporting structure established to hoist or suspend the dock above water level for storage must be no greater than 100 square feet in size, including all parts. A dock stored above water level must remain parallel with the water, unless the dock and supporting structure combined measure less than 100 square feet in size.

11. All wastewater treatment infrastructure on the project site shall be connected to and served by the municipal wastewater treatment system.

12. 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.

13. 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 Mirror Lake Drive, Mirror Lake, or adjoining property.
14. All exterior building materials, including roof, siding and trim, of the single family dwelling shall be a dark shade of green, grey, or brown.
15. Within 50 feet of the centerline of Mirror Lake Drive, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the 0.235-acre lot without prior written Agency authorization, except for the removal of an area up to 25 feet in width for driveway construction and utility installations and any dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
16. The undertaking of any activity involving wetlands shall require a new or amended permit.
17. There shall be no more than one principal building located on the 0.235-acre lot at any time. The single family dwelling authorized herein constitutes one principal building.


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 Moderate Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate 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.

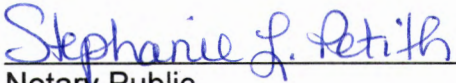
PERMIT issued this 7th day of October, 2024.

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.


Notary Public

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

MAP REFERENCES:

"MAP OF SURVEY SHOWING LANDS BELONGING TO ETHEL F. KENT," by Spencer Johnson, L.S., dated Jan. 14, 1955 filed on February 24, 1955 as Map #1398

"MAP SHOWING TOPOGRAPHIC SURVEY OF LANDS FOR THOMAS J. and MICHELLE C. GIRARD, by Leitheit Land Surveying, PLLC, dated June 14, 2014

"MAP OF PROPERTY OWNED BY THE CHALET COLONY, INC.," by F. Ives Turner, C.E., dated Dec. 1960, filed as Map No. 2481

"PROJECTS ESSEX - 28 & ESSEX - 30, THE CHALET COLONY, INC.," by Robert L. Kilmer, JR. Forest Ranger, DEC Map No. 3938

Found 1" square both, sub-grade



Map completed on February 29, 2014
Survey completed on October 20, 2023

MIRROR LAKE DRIVE ~

LANDS OF
MARK E. GILLIGAN
&
KATHRYN A. GILLIGAN

LIBER 1477 PAGE 29

PEOPLE OF THE STATE OF NEW YORK
414/399

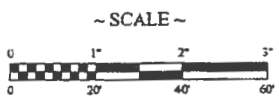
CURRENT ACREAGE = 0.520± ACRES
PROPOSED PARCEL 1 = 0.513± ACRES

CURRENT ACREAGE = 0.24 ACRES
PROPOSED PARCEL 2 = 0.23± ACRES

TOTAL ACREAGE = 0.75± ACRES

Reported owner
D'ANDREA
1997/93

APPROVED BY
LAKE PLACID - NORTH ELBA
REVIEW BOARD
ON 6/18/2024
CHAIRMAN



SHOWING PROPOSED BOUNDARY
LINE ADJUSTMENT FOR

MARK E. GILLIGAN &
KATHRYN A. GILLIGAN

Situate in

PORTION OF LOTS 87 & 88 - A.E. COONROD'S SURVEY
GREAT LOT 277 AND LOT 278
TOWNSHIP 11 - OLD MILITARY TRACT - RICHARDS SURVEY
TOWN OF NORTH ELBA
COUNTY OF ESSEX
STATE OF NEW YORK



6581 NYS Route 86, Jay, New York 12941
dwan@leitheitandlittlefield.com
Office: 518-327-3476
93 Park Street, Tupper Lake, New York 12986
PO Box 802 / Owen@leitheitandlittlefield.com
Office: 518-354-1312
Successor to Leitheit Land Surveying, PLLC, Christopher H. Leitheit, L.S.

This survey was performed without the benefit of a current abstract of title and might be subject to facts therein.

It is a violation of the State Education Law for any person, unless acting under the direction of a licensed land surveyor, to alter an item in any way.

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.

Only boundary survey maps with the surveyor's embossed seal are genuine true and correct copies of the surveyor's original work and opinion.

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Only title surveys bearing the maker's embossed seal should be relied upon since other than embossed-seal copies may contain unauthorized and undetectable modifications, deletions, additions, and changes.

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The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the governmental agency, and to the lending institution listed on this boundary survey map.

The certifications herein are not transferable.

The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvements or encroachments exist or are shown, the improvements or encroachments are not covered by this certificate.

The referenced deed for the subject premises shows a reservation of water and sewer rights in Mirror Lake abutting the above described premises on the south for a distance of 100 feet from the above line of Mirror Lake here-on the easterly and westerly line of said premises extended into said lake for such a distance.

F. Ives Turner
F. Ives Turner
Chief Professional Surveyor

RECEIVED
Date: August 8, 2024

FINAL
P2024-0214