


**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>Adirondack Park Agency</b></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><b>APA Permit 2024-0239</b></p>
<p>In the Matter of the Application of</p> <p><b>JERRY R. HART, SR.</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 and 9 NYCRR Part 578</p>	<p>Date Issued: September 12, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name: <b>1. Jerry R. Hart, Sr.</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision in an area classified Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Ohio, Herkimer County.

This authorization shall expire unless recorded in the Herkimer 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 Herkimer 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 104.29-acre parcel of land located on Five Acre Lane in the Town of Ohio, Herkimer County, in an area classified Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 073.4, Block 1, Parcel 75.2, and is described in a deed from Lisa Hart to Jerry R. Hart, Sr., dated August 10, 2005, and recorded May 15, 2006 in the Herkimer County Clerk's Office at Book 1158, Page 967.

The eastern portion of the project site contains wetlands. Additional wetlands not described herein may be located on or adjacent to the project site.

The project site is improved by a single family dwelling constructed in 1997, which replaced a pre-1973 single family dwelling, and a mobile home placed in 1999.

The project site was authorized after-the-fact by Agency Permit 94-150.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision creating a 64.29-acre parcel improved by an existing mobile home (Lot 1) and a 40-acre parcel improved by an existing single family dwelling (Lot 2).

The project is shown on a map titled, "Map and Survey Showing Premises Situated At #230 Five Acres Lane," prepared by Jeffrey Stephen Duda, PLS, and dated December 16, 2023 (Site Plan). A reduced-scale copy of the Site Plan 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 Herkimer 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 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 94-150 and Permit 95-104RR in relation to the project site. The terms and conditions of Permit 94-150 and Permit 95-104RR 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 2024-0239, issued September 12, 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 not depicted on the Site Plan shall require prior written Agency authorization.
7. The undertaking of any activity involving wetlands shall require a new or amended permit.
8. There shall be no more than five principal buildings located on the approximately 41-acre Rural Use portion of Lot 1 at any time. The mobile home placed on the Rural Use portion of Lot 1 in 1999 constitutes a principal building.

There shall be no more than 7 principal buildings located on the approximately 23-acre Low Intensity Use portion of Lot 1.

The Agency makes no assurances that the maximum development mathematically allowed can be approved.

9. There shall be no more than four principal buildings located on Lot 2, in addition to the 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.

**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 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 and Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use and 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 12<sup>th</sup> day of September, 2024.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_



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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 12<sup>th</sup> day of September 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

Stephanie L. Petith  
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Notary Public

