

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  
2024-0301

Date Issued: December 17, 2024

In the Matter of the Application of

**ADIRONDACK MOUNTAIN LAND, LLC  
MICHAEL BLACK  
KELLY BLACK  
Permittees**

for a permit pursuant to § 809 of the Adirondack  
Park Agency Act

To the County Clerk: Please index  
this permit in the grantor index  
under the following names:

1. **Adirondack Mountain Land,  
LLC**
2. **Michael Black**
3. **Kelly Black**

**SUMMARY AND AUTHORIZATION**

This permit authorizes construction of a single family dwelling in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Wilmington, 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 the foundation has been constructed for the single family dwelling authorized herein.

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 67±-acre parcel of land located on the south side of Hardy Road in the Town of Wilmington, Essex County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 26.2, Block 1, Parcel 53, and is described in a deed from David A. Esquibias, Trustee of the N. Eric Johanson Living Trust to Adirondack Mountain Land, LLC, dated May 30, 2024, and recorded June 26, 2024 in the Essex County Clerk's Office under Instrument Number 2024-2116.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves construction of a single family dwelling with related development.

The project is shown on:

- A six-sheet plan set titled, "ADK Mtn Land Septic System", prepared by Mark J. Buckley, P.E., dated September 30<sup>th</sup>, 2024 (Septic Plan); and
- A map titled, "Adirondack Mt Land LLC Johnason premises – Hardy Road," prepared by Sheppard Land Surveying, dated November 21, 2024 (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, a permit is required from the Adirondack Park Agency prior to the construction of any single family dwelling on Resource Management lands 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 Site 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 2024-0301, issued December 17, 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 the construction of a four-bedroom single family dwelling and one garage on the project site in the locations shown on the Site Plan.

The single family dwelling shall be no more than 35 feet in height, as measured from the highest point on the structure to the lower of either existing or finished grade, and shall not exceed 2500 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures.

The garage shall be no more than 35 feet in height, as measured from the highest point on the structure to the lower of either existing or finished grade, and shall not exceed 1200 square feet in footprint.

Any expansion beyond these dimensions shall require prior written Agency authorization.

6. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit.
7. Construction of any guest cottage on the project site shall require prior written Agency approval.
8. Any on-site wastewater treatment system on the project site 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 Plan. 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.

9. 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.

10. 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 Hardy Road or adjoining property.
11. Within 50 feet of the limits of clearing depicted on the Site Plan, or within 50 feet of the centerline of Hardy Road, or within 50 feet of adjacent properties, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
12. The undertaking of any activity involving wetlands shall require a new or amended permit.
13. There shall be no more than two principal buildings located on the project site at any time. The single family dwelling authorized herein constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approve.


### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act 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 Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management 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.

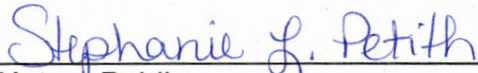
PERMIT issued this 17<sup>th</sup> day  
of December, 2024.

ADIRONDACK PARK AGENCY

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

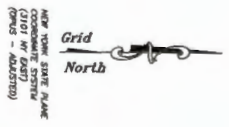
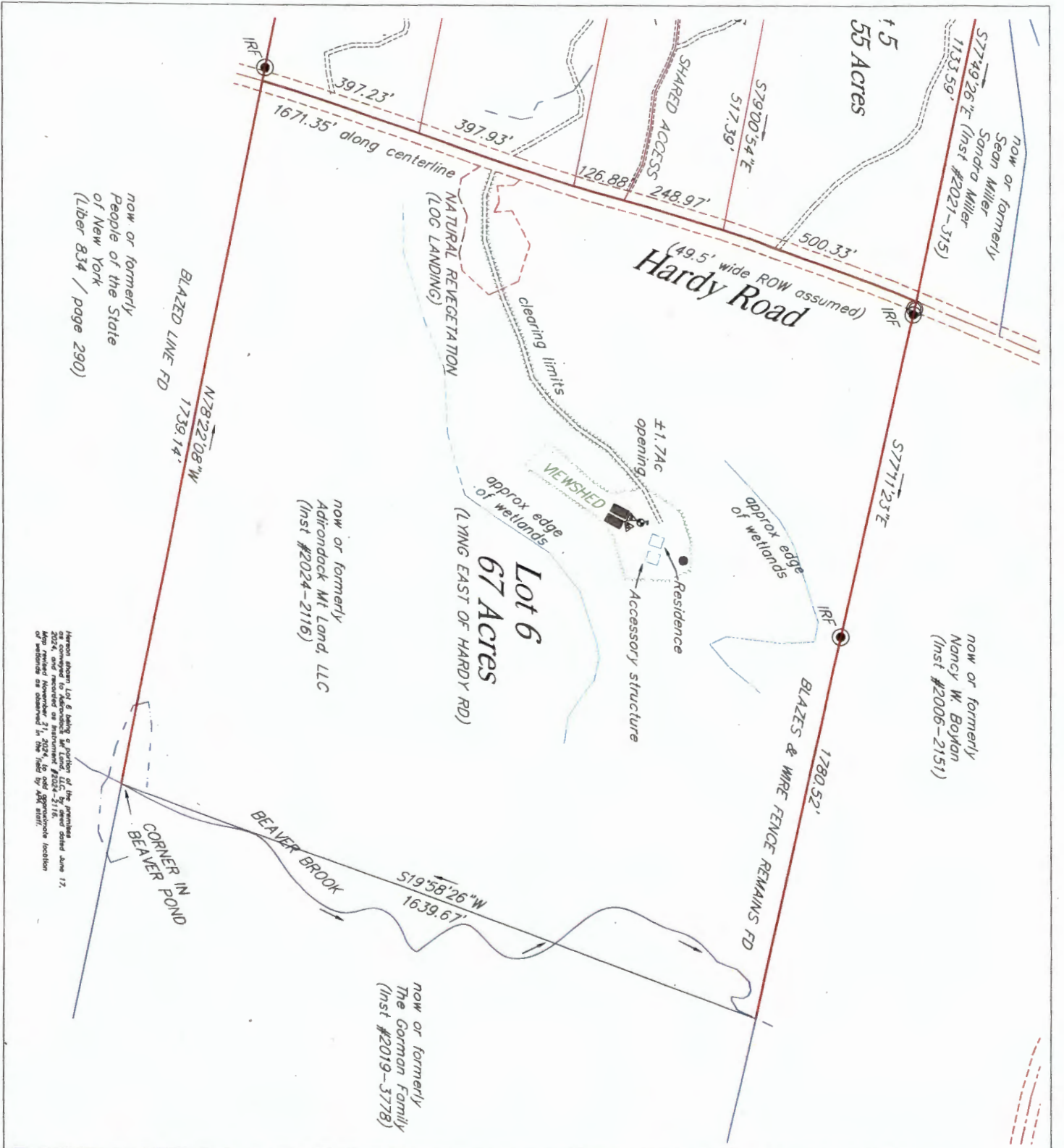
STATE OF NEW YORK  
COUNTY OF ESSEX

On the 17<sup>th</sup> day of December 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





Manufactured alterations or additions to a survey map, bearing a licensed land surveyor's seal, is a violation of Section 2209, sub-section 2, of the New York State Education Law. Any copies from the original of this survey plat, with or without the seal of the surveyor, shall be considered to be void five copies.

The location of underground improvements or encroachments are shown on this plat. The location of any underground improvements east of one station, the improvements are not covered by this certificate.

The certificates herein are not transferable.

The surveyor warrants that the survey is a true and correct representation of the facts as shown.

or on up to the District of Columbia

**LEGEND**

- Center of road
- Property line
- Corner of block
- Corner of lot
- Corner of subdivision
- Corner of section
- Corner of township
- Corner of range
- Corner of county
- Corner of state
- Corner of federal
- Corner of international
- Corner of foreign
- Corner of other
- Corner of unknown
- Corner of unlocated
- Corner of unmarked
- Corner of unrecorded
- Corner of unregistered
- Corner of unlicensed
- Corner of unqualified
- Corner of unapproved
- Corner of unpermitted
- Corner of unlicensed
- Corner of unqualified
- Corner of unapproved
- Corner of unpermitted

I certify that I am a Land Surveyor Licensed by the State of New York and that I have read and understand the provisions of the Code of Practice adopted by the New York State Association of Professional Land Surveyors and that I have complied with the same.

RECEIVED	FINAL
DATE: December 12, 2024	P2024-0301

**MAP OF SURVEY PREPARED FROM:**  
**Adirondack Mt Land, LLC**  
**Johnson Purchase - Hardy Road**

STATE: NY  
 COUNTY: Warren  
 TOWN: Johnson  
 SECTION: 12  
 RANGE: 10  
 DATE: 10/27/2024  
 SCALE: 1 inch = 120 feet  
 SHEPARD LAND SURVEYING  
 1000 West 12th Street  
 Buffalo, NY 14202  
 Tel: 716-875-1100  
 Fax: 716-875-0170  
 Email: info@shepardland.com