


THIS IS A TWO-SIDED DOCUMENT

 <b>Adirondack Park Agency</b>  P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	<p>APA Permit <b>2024-0124</b></p>
<p>In the Matter of the Application of</p> <p><b>LEEWARD R. FRENYES, MARY E. FRENYES, IRENE SPAULDING, DOUGLAS S. SPAULDING</b> <b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: February 20, 2025</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s):</p> <ol style="list-style-type: none"><li><b>1. Leeward R. Frenyes</b></li><li><b>2. Mary E. Frenyes</b></li><li><b>3. Irene Spaulding</b></li><li><b>4. Douglas S. Spaulding</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Black Brook, Clinton County.

This authorization shall expire unless recorded in the Clinton 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 Clinton County Clerk's Office. The Agency will consider the project in existence when this permit has been recorded.

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 located on Casey Road in the Town of Black Brook, Clinton 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 296, Block 1, Parcel 2, and is described in a deed from Ronald F. Doncoes to Irene Spaulding, Douglas S. Spaulding, Leeward R. Frenyea, and Mary E. Frenyea, dated July 18, 2023, and recorded August 9, 2023 in the Clinton County Clerk's Office under Instrument Number 2023-00332894.

The project site contains wetlands on the northwest corner of the property, and small pockets of wetlands throughout the rest of the 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 to create a 49±-acre vacant building lot (Lot 1) and a 20.54±-acre vacant building lot (Lot 2). No new development is proposed.

Tax Map Parcel 296.-1-2 constituted a portion of a larger property on the May 22, 1973, enactment date of the Adirondack Park Land Use and Development Plan, and was created by subdivision from this larger property prior to 2000. An additional subdivision of this parcel was undertaken in 2023 that resulted in 3±-acres of Tax Map Parcel 296.-1-2 being merged with adjoining Tax Map Parcel 296.-1-3. As these subdivisions occurred on Resource Management lands and involved wetlands, it appears that an Agency permit was required for their undertaking. Agency records indicate that no permit was obtained.

By issuance of this permit, Tax Map Parcel 296.-1-3 shall be recognized as lawful for Agency purposes.

The project is shown on a one-sheet plan titled "Sketch Plan Showing Proposed Subdivision of Lands of Irene & Douglas Spaulding and Leeward R. & Mary E. Frenyea," prepared by AES Northeast, dated April 30, 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 any subdivision in a Resource Management land use area 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 Clinton 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. 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 2024-0124, issued February 20, 2025, 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 Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require a new or amended permit.
6. The construction of any dwelling or other principal building on the project site shall require a new or amended permit.
7. Installation of any on-site wastewater treatment system on the project site shall require prior written Agency approval.
8. The undertaking of any activity involving wetlands shall require a new or amended permit.
9. There shall be no more than one principal building located on Lot 1.
10. There shall be no more than one principal building located on Lot 2.

**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, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, 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 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 20<sup>th</sup> day of February, 2025.

ADIRONDACK PARK AGENCY

BY: John M. Burth

John M. Burth  
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 20<sup>th</sup> day of February in the year 2025, 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.

Stephanie L. Petith  
Notary Public

Stephanie L. Petith  
Notary Public, State of New York  
Reg. No 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15 20\_\_





Scale  
1" = 200'

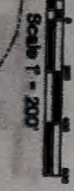
Lot 1

Lot 2

215'  
245'  
61.5'

CARRY ROAD

Deep hole test.  
possible structure  
506 sq. ft.



REFERENCE DATA

Surveyed by  
Date of Survey

Adirondack Park Agency  
RECEIVED  
Date: September 18, 2024

Adirondack Park Agency  
FINAL  
P2024-0124

SKETCH PLAN  
SHOWING PROPOSED  
SUBDIVISION OF LANDS OF  
IRENE & DOUGLAS SPAULDING  
AND  
LEONARD R. & MARY E. FRENVEA

AES Northeast  
1000 North Street  
Albany, NY 12207  
518-439-2200  
www.aesny.com