


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	APA Permit <b>2024-0192</b>
In the Matter of the Application of  <b>JOHN T. MAXWELL MONICA D. MAXWELL</b> <b>Permittees</b>  for a permit pursuant to § 809 of the Adirondack Park Agency Act	Date Issued: February 5, 2025  To the County Clerk: Please index this permit in the grantor index under the following name(s): <b>1. John T. Maxwell 2. Monica D. Maxwell</b>

**SUMMARY AND AUTHORIZATION**

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

This authorization shall expire unless recorded in the Saratoga 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 Saratoga 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 19.7±-acre parcel of land located on Drager Road in the Town of Providence, Saratoga County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 133, Block 1, Parcels 46.1 and 46.2. Parcel 46.1 is described in a deed from James W. Maxwell and Jane Maxwell to John T. Maxwell and Monica D. Maxwell, dated April 22, 2001, and recorded May 8, 2001 in the Saratoga County Clerk's Office at Book 1579, Page 223. Parcel 46.2 is described in a deed from John T. Maxwell to John T. Maxwell and Monica D. Mawell, dated November 17, 2000, recorded November 28, 2000 in the Saratoga County Clerk's Office at Book 1567, Page 554 and also in a deed from John H. Hecker and Veronika Hecker to John T. Maxwell and Monica D. Mawell, dated September 4, 2024, recorded September 17, 2024 in the Saratoga County Clerk's Office under Instrument Number 2024-023206.

Parcel 46.2 is improved by a circa 1990 single family dwelling with related development.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of 12.085-acre tax parcel 133.-1-46.1 creating:

- A 3.021±-acre vacant lot (Lot 1); and
- A 9.064±acre vacant lot to be merged with adjoining 7.615-acre tax parcel 133-1-46.2 improved by an existing circa 1990 single family dwelling with related development resulting in a 16.679±-acre lot (Lot 2).

No new land use or development is proposed or authorized for either lot at this time.

The project is shown on a map titled "Survey Map of Lands of John T. & Monica D. Maxwell," prepared by Ferguson & Foss Professional Land Surveyors, PC, dated July 25, 2024 and last revised January 23, 2025 (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, a permit is required from the Adirondack Park Agency prior to any subdivision of Rural Use lands that results in the creation of a non-shoreline lot smaller than 7.35 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 Saratoga 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 2024-0192, issued February 5, 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 not depicted on the Site Plan shall require a new or amended permit.
6. Within 30 days of conveyance of Lot 1, a new deed shall be filed in the Saratoga County Clerk's office describing Lot 2 as a single, undivided lot. Any future subdivision of this undivided lot shall require a new or amended permit.
7. The construction of a dwelling or other principal building on Lot 1 shall require prior written Agency authorization.
8. Prior to construction of any new on-site wastewater treatment system(s) on Lot 1, written authorization shall be obtained from the Agency for plans prepared by a New York State design professional (licensed engineer or registered architect) that comply with the Agency's Project Guidelines for Residential On-Site Wastewater Treatment, and with Agency standards in 9 NYCRR Appendix Q-4.  
  
Installation of the approved plans shall be under the supervision of a licensed design professional. Within 30 days of complete system installation and prior to utilization, the design professional shall provide the Agency with written certification that the system was installed in compliance with the Agency authorized plan set.
9. There shall be no more than one principal building located on Lot 1 at any time.
10. There shall be no more than one principal building located on Lot 2 at any time. The single family dwelling constructed on the property in 1990 constitutes a principal building.

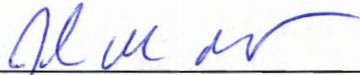
**CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act 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 land use area;
- c. will be consistent with the overall intensity guidelines for the Rural 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 5<sup>th</sup> day of February, 2025.

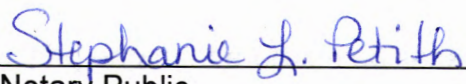
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 5<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, State of New York  
Reg No 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15 20 25

  
Notary Public

