


THIS IS A TWO-SIDED DOCUMENT

 <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit 2024-0342</p>
<p>In the Matter of the Application of</p> <p>LAURA HOLBROOK, EXECUTRIX OF THE ESTATE OF JEAN CLIFFORD Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577 and 9 NYCRR Part 578</p>	<p>Date Issued: February 12, 2025</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. Laura Holbrook, Executrix of the Estate of Jean Clifford</p>

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 Keene, 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 10.25±-acre parcel of land located on Airport Road in the Town of Keene, Essex 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 53.4, Block 1, Parcel 53.1, and is described in a deed from Bessie Clifford to Robert F. Clifford and Jean A. Clifford (a/k/a Jean Garno), dated September 19, 1991, and recorded November 6, 1991 in the Essex County Clerk's Office at Book 1001 of Deeds, at Page 168. Robert F. Clifford died March 22, 2001.

The project site is partially located within the designated Recreational River area of the East Branch of the AuSable River. The project site also contains wetlands located along the northern and western property bounds which are associated with the permanent stream on the project site. Additional wetlands not described herein or depicted on the Survey may be located on or adjacent to the project site.

The project site is improved by a pre-existing single family dwelling and an accessory structure barn.

The project site was created as "Lot 1" in an after-the-fact two-lot subdivision authorized by Agency Permits 94-382 and 94-382A.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision to create Lot 1, a 7.53±-acre parcel improved by a pre-existing single family dwelling with on-site water supply and on-site wastewater treatment system; and Lot 2, a vacant 2.72±-acre non-building lot.

Lot 1 is accessed via an existing gravel drive from Airport Road. Lot 2 is accessed across Lot 1 via an existing woods road and right-of-way from Airport Road to a gate at the southeast corner of Lot 2, as shown and described on the Survey.

Pursuant to Agency Permit 94-382, one principal building right is associated with the project site and will be allocated to Lot 1 authorized herein. Lot 2 will be conveyed as a non-building lot.

The project is shown on a Survey titled "Map of Survey Showing Certain Lands of the Jean A. Clifford Estate," prepared by Robert M. Marvin, Jr., L.S., dated November 26, 2024, and received by the Agency on December 9, 2024. A reduced-scale copy of the Survey 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.

Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any subdivision of Rural Use lands located within any designated Recreational River area in the Adirondack Park.

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 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 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, Wild, Scenic and Recreational Rivers System Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes permits 1994-382 and 1994-382A in relation to the project site. The terms and conditions of those permits 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 2024-0342, issued February 12, 2025, 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 Survey. Any subdivision of the project site not depicted on the Survey shall require a new or amended permit.
7. Any deed of conveyance for Lot 1 shall contain an easement providing access to Lot 2 over the existing woods road and right-of-way shown and described on the Survey.
8. The deed of conveyance for Lot 2 shall contain a covenant restricting the lot against the construction of any single family dwelling, mobile home, or other principal building as that term is defined under the Adirondack Park Agency Act. The deed shall state that the covenant shall run with, touch and concern the land, and that the covenant shall be enforceable by the Adirondack Park Agency and the State of New York.

9. The undertaking of any new land use or development on the project site within one-quarter mile of the East Branch of the AuSable River shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
10. The construction of any additional dwelling or other principal building on Lot 1 shall require a new or amended permit.
11. There shall be no more than one principal building located on Lot 1, in addition to the pre-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.
12. Construction of any guest cottage on Lot 1 shall require prior written Agency authorization.
13. There shall be no principal buildings 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/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 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;
- 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;
- 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;
- h. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- i. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- j. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

PERMIT issued this 12th day of February, 2025.

ADIRONDACK PARK AGENCY

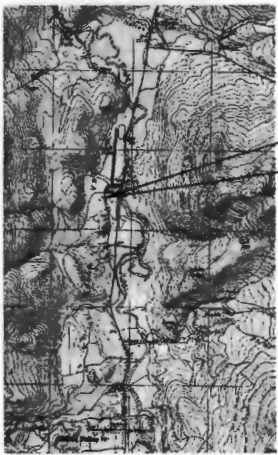
BY: Ariel Lynch
Ariel Lynch
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 12th day of February in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Ariel Lynch, 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, 2025



WETLAND

- 1.) The wetland boundary is a fringe outlined of variable width on each side of the break as determined by the field investigation by Kelly Buffum of APA staff on 07 NOV 2024 and surveyed by Robert B. Harlow, Jr. Land Surveyor on 07 NOV 2024.
- 2.) 100' wetland buffer recommended by Kelly Buffum of APA staff on 11/07/2024.
- 3.) Wetland boundaries shown reflect only those delineated in the field and do not include necessary for review of the project. Additional wetlands may exist elsewhere on the parcel that have not been mapped.

Admission
Fee Agency
RECEIVED
Date December 8, 2024

Admission
Fee Agency
RECEIVED
FIRM#
P2024-0342

APA PERMIT 04-202
APA BOOK 27 AT PAGE 291
TWO LOT SUBDIVISION

APA PERMIT 04-202
APA BOOK 26 AT PAGE 211

Registered Owner
CHELSEA CARNO & DOUGLAS O. POTTER
17 MAR 2011, 1708/207

2014 ALBION CORNER OF BROOK
TO POINT IN S.A. BOOK
OF AIRPORT ROAD OVER 20' GAP CORNER
S 87° 41' 22" E 308.17'

North
THIS SURVEY IS REFERRED TO THE NEW YORK STATE GRID SYSTEM AND THE
NEW YORK STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83.



**LOT 2
2.72 ACRES
WITH NO
BUILDING RIGHTS**

**LOT 1
7.53 ACRES**

Registered Owner
MATTHEW C. JOHNSON, REBECCA L. JOHNSON
& MICHAEL J. WALDO
29 APR 2016, 1520/229

Registered Owner
AMY MALAGLEN HENRY BOWENVILLE
29 JUN 2003, 1450/411
ECCO MAP NO. 3071

Albion Brook Park Agency Intensity Guidelines

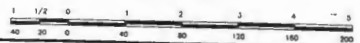
Land Use:
Average lot size 8.5 acres, minimum lot size 7.34 acres

Critical Environmental Areas:
Minimum:
Within 1/4 mile of the East Branch Aquatic Bar

Admission
Fee Agency
RECEIVED
Date December 8, 2024

APPROVED BY TOWN OF REEVE PLANNING BOARD
ON _____
CHAIRMAN

SCALE: 1" = 40'



MAP OF SURVEY
SHOWING A CERTAIN LANDS OF THE
JEAN A. CLIFFORD ESTATE

STATE OF NEW YORK
COUNTY OF ESSEX
TOWN OF REEVE

being part of
LOT 30, MILLBURY'S GRANT

being part of the same premises as conveyed by
REEVE CLIFFORD to ROBERT F. CLIFFORD & JEAN A. CLIFFORD by deed dated 18 SEP
1931 and recorded in the Essex County Clerk's Office on 08 NOV 1931 in Deed Book 1001
at Page 55.

and
CHELSEA CARNO & DOUGLAS O. POTTER to JEAN A. CLIFFORD by deed dated 18 SEP
2011 and recorded in the Essex County Clerk's Office on 12 APR 2012 in Deed Book 1885
at Page 53.

TOWN OF REEVE TAX MAP NO. 83.4.1-83.100

SURVEY COMPLETED 07 NOV 2024 ROBERT M. WARRICK, JR., LAND SURVEYOR
MAP PLOTTED 28 NOV 2024 LAKE PLACID, NEW YORK 12845-0588