

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 2020-0160R
In the Matter of the Application of LOUIS ZAHNER Permittee for a permit pursuant to § 809 of the Adirondack Park Agency Act	Date Issued: August 20, 2025 To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. Louis Zahner

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and the construction of a single-family dwelling and accessory garage in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Jay, 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 either the authorized single-family dwelling has been constructed or 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 96.25±-acre parcel of land located on Jay Mountain Road in the Town of Jay, 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 36, Block 1, Parcels 33 and 34.11, and is described in a deed from County of Essex to Louis Zahner dated September 28, 2017, and recorded September 28, 2017 in the Essex County Clerk's Office under Instrument Number 2017-4193.

The project site is partially located within one-eighth mile of the Jay Mountain Wilderness Area.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the 96.25±-acre project site to create a 1.25±-acre parcel (Lot 1) to be improved by a new single family dwelling and accessory garage and a 95±-acre vacant parcel (Lot 2).

The project is shown on the following plans and maps:

- A one-page set of plans entitled "Subdivision Map of lands of Louis Zahner showing Zahner Subdivision 2020," prepared by Upstate Design Associates, LLC Consulting Engineers and dated July 26, 2020 (Septic Plans); and
- A one-page map entitled "Map of Survey of certain lands of Louis Zahner showing Zahner Subdivision 2020," prepared by Adirondack Surveying PLLC and dated July 11, 2020 (Site Plan).

A reduced-scale copy of the Site Plan for the project is attached as a part of this permit for easy 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.

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, Septic Plan, and the 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 2020-0160 issued October 14, 2020, in relation to the project site. Terms and condition of Permit 2020-0160 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 2020-0160R, issued August 20, 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 Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require a new or amended permit.
7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and accessory garage on Lot 1 in the location and footprint shown on the Site Plan. The structures shall not exceed 40 feet in height, as measured from the highest point on the structure to the lower of either existing or finished grade. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
8. The construction of any dwelling or other principal building on Lot 2 or any new land use or development within one-eighth mile of the Jay Mountain Wilderness area shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
9. Construction of any guest cottage on Lot 1 shall require prior written Agency approval.
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 Jay Mountain Road or adjoining property.
11. All exterior building materials, including roof, siding and trim, of the dwelling and garage on Lot 1 shall be a dark shade of green, grey, or brown.
12. Within 40 feet of the edge of the Jay Mountain Road, no trees greater than 6 inches in diameter at breast height may be cut, culled, trimmed, pruned or otherwise removed or disturbed on Lot 1 without prior written Agency authorization, except for the removal of 1) an area up to 25 feet in width for driveway construction

and utility installations, 2) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

13. 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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
14. There shall be no more than one principal building located on Lot 1. The dwelling authorized herein constitutes a principal building.
15. There shall be no more than two principal buildings located on Lot 2. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
16. Any on-site wastewater treatment system on Lot 1 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.

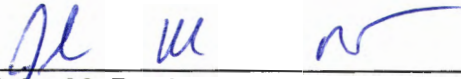
CONCLUSIONS OF LAW

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 and the construction of a single-family dwelling and accessory garage 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 20th day
of August, 2025.

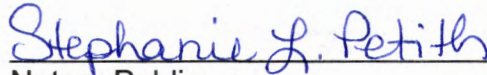
ADIRONDACK PARK AGENCY

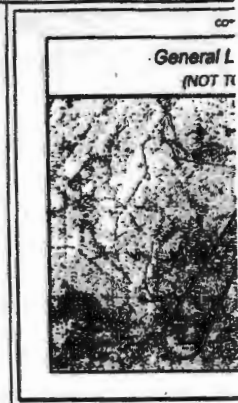
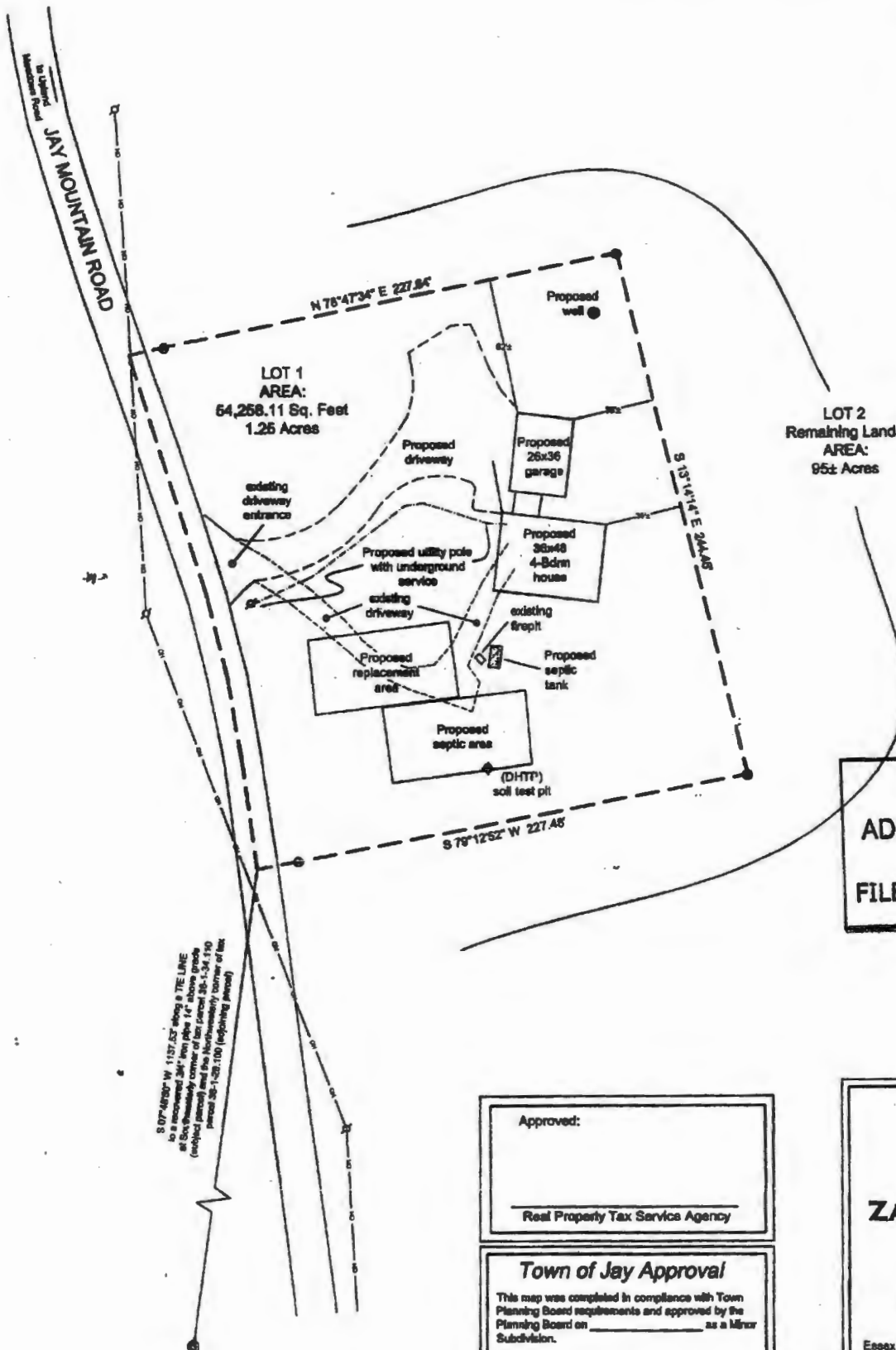
BY: 
John M. Burth
Deputy Director Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 20th day of August 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, 2029


Notary Public



NEW YORK
STATE OF
OPPORTUNITY

**Adirondack
Park Agency**

FINAL
2020-0160R

FINAL
ADIRONDACK PARK AGENCY
FILE # 2020-0160

ATTACHMENT

Approved:

Real Property Tax Service Agency

Town of Jay Approval

This map was completed in compliance with Town Planning Board requirements and approved by the Planning Board on _____ as a Minor Subdivision.

Archie Depo, Town Supervisor Date
Planning Board Chairperson

Map of Survey of certain lands of LOUIS ZAHNER showing ZAHNER SUBDIVISION 2020					
- Situate - Lot 119 of the Essex Tract, E.F. Henry's Survey Town of Jay Essex County State of New York					
Project No:	2020-014	Scale:	1" = 40'	Revised Date:	
Date of Survey:	04/14/20	Drawn by:	R. Schuster		
Date of Map:	07/11/20	Checked by:	R. Schuster		

