THIS IS A TWO-SIDED DOCUMENT



P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov APA Permit **2022-0067B**

Date Issued: August 27, 2025

In the Matter of the Application of

ELIZABETH HAIGHT SHANE BRUNELL 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 name(s):

- 1. Elizabeth Haight
- 2. Shane Brunell

SUMMARY AND AUTHORIZATION

This amended permit authorizes the construction of a tourist cabin 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 the tourist accommodation has been constructed.

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 48.5±-acre parcel of land located on Nordic Run Way 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, Block 1, Parcel 10.000, and is described in a deed from Janet Warner to Shane Brunell and Elizabeth Haight, dated December 31, 2021, and recorded January 25, 2022 in the Essex County Clerk's Office at Book 2069, Page 227.

Portions of the project site are located within 150 feet of the edge of right-of-way of NYS Route 73 and within one-eighth mile of the Sentinel Range Wilderness.

The project site is improved by a single family dwelling and a tourist accommodation as authorized by Agency Permit 2022-0067.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the construction of a tourist cabin.

The project is shown on the following plans:

- The building and septic locations are depicted on a plan titled "Nordic Run Way
 Cabin 3 Wastewater System Design and Layout" (Site Plan), prepared by
 Environmental Design Partnership, LLP, received by the Agency August 12, 2025.
- Septic details are depicted on a plan titled "Nordic Run Way Cabin 3 Site Details" (Septic Plan), prepared by Environmental Design Partnership, LLP, received by the Agency August 12, 2025.

A reduced-scale copy of the Site Plan and Septic Plan for the project, are attached as a part of this permit for reference.

AGENCY JURISDICTION

This permit amends Condition 7 of Permit 2022-0067.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- 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 Plan and Septic 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 2022-0067 in relation to the project site. The terms and conditions of Permit 2022-0067 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 2022-067B, issued August 27, 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 the construction of one three-bedroom tourist cabin on the project site in the location, footprint, and height shown and as described on the Site Plan. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
- 7. The undertaking of any new land use or development not authorized herein on the project site within 150 feet of the edge of right-of-way of NYS Route 73 or within one-eighth mile of the Sentinel Range Wilderness shall require a new or amended permit.
- 8. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit. The construction of any additional tourist cabin shall require a new or amended permit. The construction of any accessory structure on the project site outside the Area of Disturbance shown on the Site Plan shall require prior written Agency authorization.
- 9. Construction of any guest cottage on the project site shall require prior written Agency approval.
- 10. Any on-site wastewater treatment system(s) 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 Site Plan and 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.

- 11. 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.
- 12. 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.
- 13. Within 100 feet of the Area of Disturbance depicted on the Site Plan, no trees, greater than 6 inches in diameter at breast height may be cut or otherwise removed 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.
- 14. There shall be no more than five principal buildings located on the project site at any time. The the existing single family dwelling, two-bedroom tourist cabin, and the three-bedroom tourist cabin authorized herein each constitute a principal buildings. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
- 15. Subject to the conditions stated herein, this permit authorizes the rental of the three-bedroom tourist cabin authorized herein as a tourist accommodation and the continued rental of the two-bedroom tourist cabin as a tourist accommodation. Any additional activites associated with operation of the tourist accommodation, such as the offering of events on the project site, shall require prior written Agency authorization.
- 16. There shall be no signs associated with the tourist accommodation without prior written Agency authorization.

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 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 at day of August, 2025.

ADIRONDACK PARK AGENCY

John M. Burir

Deputy Director, Regulatory Programs

STATE OF NEW YORK COUNTY OF ESSEX

On the I 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, 20

Notary Public



