

THIS IS A TWO-SIDED DOCUMENT

|                                                                                                                                                                                                                                           |                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <p><b>Adirondack<br/>Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86<br/>Ray Brook, New York 12977<br/>Tel: (518) 891-4050<br/>www.apa.ny.gov</p> | <p>APA Permit<br/><b>2025-0080</b></p>                                                                                                                                                                          |
| <p>In the Matter of the Application of</p> <p><b>RICHARD MILNE AND ROBIN MILNE</b><br/><b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack<br/>Park Agency Act</p>                                                  | <p>Date Issued: <b>August 28, 2025</b></p> <p>To the County Clerk: Please index<br/>this permit in the grantor index<br/>under the following name(s):<br/><b>1. Richard Milne</b><br/><b>2. Robin Milne</b></p> |

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision and construction of a single family dwelling in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Putnam, Washington County.

This authorization shall expire unless recorded in the Washington 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 Washington County Clerk's Office. The Agency will consider the project in existence when an authorized lot has been conveyed to an outside party or a new deed for an authorized lot has been recorded in the Washington County Clerks Office.

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 comprised of 8.44 acres of land located on or near Fernwood Way in the Town of Putnam, Washington County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as:

- Tax Map Section 8, Block 2, Parcel 13.4 (Parcel 13.4), comprised of 5.06 acres described in a deed from Wayne Busby and Susan Busby to Richard Milne and Robin Milne, dated July 5, 2013, and recorded in the Washington County Clerk's Office under Book 3306, Page 131; and
- Tax Map Section 8, Block 2, Parcel 13.3 (Parcel 13.3), comprised of 3.38 acres described in a deed from Wayne A. Busby and Susan Busby to Richard Milne, dated May 28, 2021, and recorded in the County Clerk's Office as Instrument Number 2021-6176.

The Parcel 13.3 portion of the project site is improved by a single family dwelling constructed in approximately 2022.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of Parcel 13.3 to create:

- a 2.12-acre vacant lot;
- a 1.26-acre lot improved by the single family dwelling,
- the merger of the 1.26-acre lot with Parcel 13.4 to create a 6.32-acre lot; and
- the transfer of one potential principal building from Parcel 13.4 to the 2.12-acre vacant lot.

The project is shown on the following maps, plans, and reports:

- "Map of a Survey made for Richard Milne," prepared by Van Dusen & Steves Land Surveyors, dated July 15, 2025, and received by the Agency on July 16, 2025, (Subdivision Plan); and
- an annotated Subdivision Plan received by the Agency on July 23, 2025 (Sketch Plan).

A reduced-scale copy of the Subdivision 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 Low Intensity Use lands that results in the creation of a non-shoreline lot smaller than 2.75 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 Washington 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, the Subdivision Plan and the Sketch Map 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 2025-0080, issued August 28, 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 Subdivision Plan. Any subdivision of the project site not depicted on the Site Plan shall require a new or amended permit.
6. Within 30 days of conveyance of the authorized 6.32-acre lot, a new deed shall be filed in the Washington County Clerk's office describing the 1.26-acre lot and the 5.06 acre lot as a single, undivided lot. Any future subdivision of this undivided lot 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 structures on the 2.12-acre lot.

The single family dwelling shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The single family dwelling shall be less than 3,000 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any expansion beyond these dimensions shall require prior written Agency authorization. Submittal of a site plan to the Agency and prior written Agency authorization is required prior to construction of the dwelling on the 2.12-acre lot.

8. Construction of any guest cottage on the project site shall require prior written Agency approval.
9. Prior to construction of any on-site wastewater treatment system(s) on the 2.12-acre lot, written authorization shall be obtained from the Agency for plans that and are 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.

10. 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.
11. 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 Fernwood Drive or adjoining properties.
12. All exterior building materials, including roof, siding and trim, of any structure on the project site shall be a dark shade of green, grey, or brown.
13. Within 50 feet of the existing single family dwelling and outside of the 50 foot "Right of Way" as depicted on the Subdivision Map no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the 1.26-acre portion of the 6.32-acre lot 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. No trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the 2.12-acre lot 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.
15. Between April 1 and October 31, no trees shall be removed or disturbed on the 2.12-acre lot and the 1.26-acre portion of the 6.32-acre lot without prior written Agency authorization.
16. The undertaking of any activity involving wetlands shall require a new or amended permit.
17. There shall be no more than one principal building located on the 2.12-acre lot. The single family dwelling authorized herein constitutes a principal building.
18. There shall be no more than two principal buildings located on the 6.32-acre lot at any time. The single family dwelling constructed on the property in approximately 2022 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

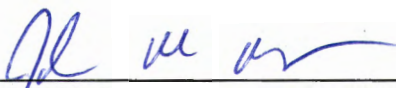
**CONCLUSIONS OF LAW**

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, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision and construction of a single family 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 Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity 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 28<sup>th</sup> day  
of August, 2025.

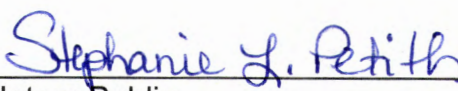
ADIRONDACK PARK AGENCY

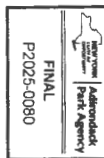
BY:   
John M. Burth  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 28<sup>th</sup> 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. 01PE62798890  
Qualified in Franklin County  
Commission Expires April 15, 2029

  
Notary Public



Land Use or Forestry  
Craig A. Smith  
Buck 1234567890  
S-1-1-1

Land Use or Forestry  
Alfred J. Smith  
Buck 1234567890  
S-1-1-1

Land Use or Forestry  
Craig A. Smith  
Buck 1234567890  
S-1-1-1

Land Use or Forestry  
Alfred J. Smith  
Buck 1234567890  
S-1-1-1

Legend  
CIR = Copied from the field  
IP = Iron pipe found  
IP = Utility pole  
--- = Boundary utility line



|                                                                             |  |                                                       |  |                                                                                          |  |                          |  |
|-----------------------------------------------------------------------------|--|-------------------------------------------------------|--|------------------------------------------------------------------------------------------|--|--------------------------|--|
| Van Dusen & Steves<br>Land Surveyors<br>160 Haviland Road<br>(518) 788-8474 |  | Queensbury, New York 12804<br>New York Lic. No. 50185 |  | Map of a Survey made for<br>Richard Milne<br>Town of Putnam, Washington County, New York |  | NO. DATE DESCRIPTION     |  |
| S-1                                                                         |  | SHEET 1 OF 1                                          |  | DATE: July 16, 2025                                                                      |  | APPROVED BY: [Signature] |  |
| S-1                                                                         |  | SHEET 1 OF 1                                          |  | DATE: July 16, 2025                                                                      |  | APPROVED BY: [Signature] |  |