

THIS IS A TWO-SIDED DOCUMENT

NEW YORK STATE 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 2025-0036 Date Issued: September 2, 2025
In the Matter of the Application of MARC OLEYNICK Permittee 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. Marc Oleynick

SUMMARY AND AUTHORIZATION

This permit authorizes construction of a single family dwelling in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Franklin, Franklin County.

This authorization shall expire unless recorded in the Franklin 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 Franklin County Clerk's Office. The Agency will consider the project in existence the authorized single family dwelling 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 the Resource Management portion of a 2.52±-acre property located on County Route 26 and Kushaqua Mud Pond Road in the Town of Franklin, Franklin County. The property contains lands classified Resource Management (located north of Kushaqua Mud Pond Road) and Low Intensity Use (located south of Kushaqua Mud Pond Road) on the Adirondack Park Land Use and Development Plan Map. The property is identified as Franklin County Tax Map Parcels 293.4-2-7, 293.4-2-9, and, 294.3-1-99, and is described in a deed from David R. Ceriotti to Marc Oleynick, dated January 29, 2021, and recorded February 8, 2021 in the Franklin County Clerk's Office under Instrument Number 2021-582.

The three tax map parcels listed above were under common ownership as of the May 22, 1973 enactment date of the Adirondack Park Land Use and Development Plan and are therefore considered merged as a single lot for Agency purposes.

The Low Intensity Use portion of the property contains shoreline on Loon Lake. The project site contains wetlands on parcel 294.3-1-99 associated with a perennial stream. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The project site is improved by a single family dwelling, on-site wastewater treatment system, and detached garage located on parcel 293.4-2-9.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of a single family dwelling, associated on-site wastewater treatment system, and detached garage. Upon completion of the construction of the single family dwelling authorized herein, the existing single family dwelling will be utilized as a guest cottage.

The project is shown on the following Project Plans:

- A 20-page plan set titled "Oleynick," prepared by Cedar Knoll Log Homes, and dated January 13, 2025 (Building Plans);
- A one-page plan titled "New Septic System- Marc Oleynick Residence," prepared by Kevin C. Scheuer, P.E., and dated May 29, 2025 (Septic Plan); and
- A one-page plan titled "Survey of Properties of Marc Oleynick," prepared by Moncrief & McLean Land Surveyors, P.C., and dated July 10, 2025 (Site Plan).

A reduced-scale copy of the Site Plan for the project 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 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 Franklin 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 Project Plans 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 2025-0036, issued September 2, 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 the construction of one single family dwelling and detached garage on the project site in the location, footprint, and height shown and as described on the Project Plans. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
6. Upon receipt of the certificate of occupancy of the single family dwelling authorized herein, the existing single family dwelling shall be utilized as a guest cottage, and shall not be rented or sold separately from the single family dwelling. There shall be no more than one guest cottage on the project site.
7. 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 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.

8. 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.
9. 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, Loon Lake, County Route 26, Kushaqua Mud Pond Road, or adjoining properties.
10. All exterior building materials, including roof, siding and trim, of the dwelling and garage authorized herein shall be as depicted on the project plans.
11. Outside of the limits of clearing shown on the Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site within 100 feet of wetlands or County Route 26 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.
12. The undertaking of any activity involving wetlands shall require a new or amended permit.
13. There shall be no more than one principal building located on the project site at any time. The single family dwelling authorized herein 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, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the 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 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 2nd day
of September, 2025.

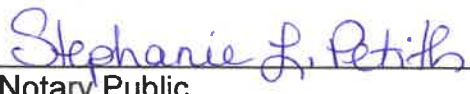
ADIRONDACK PARK AGENCY

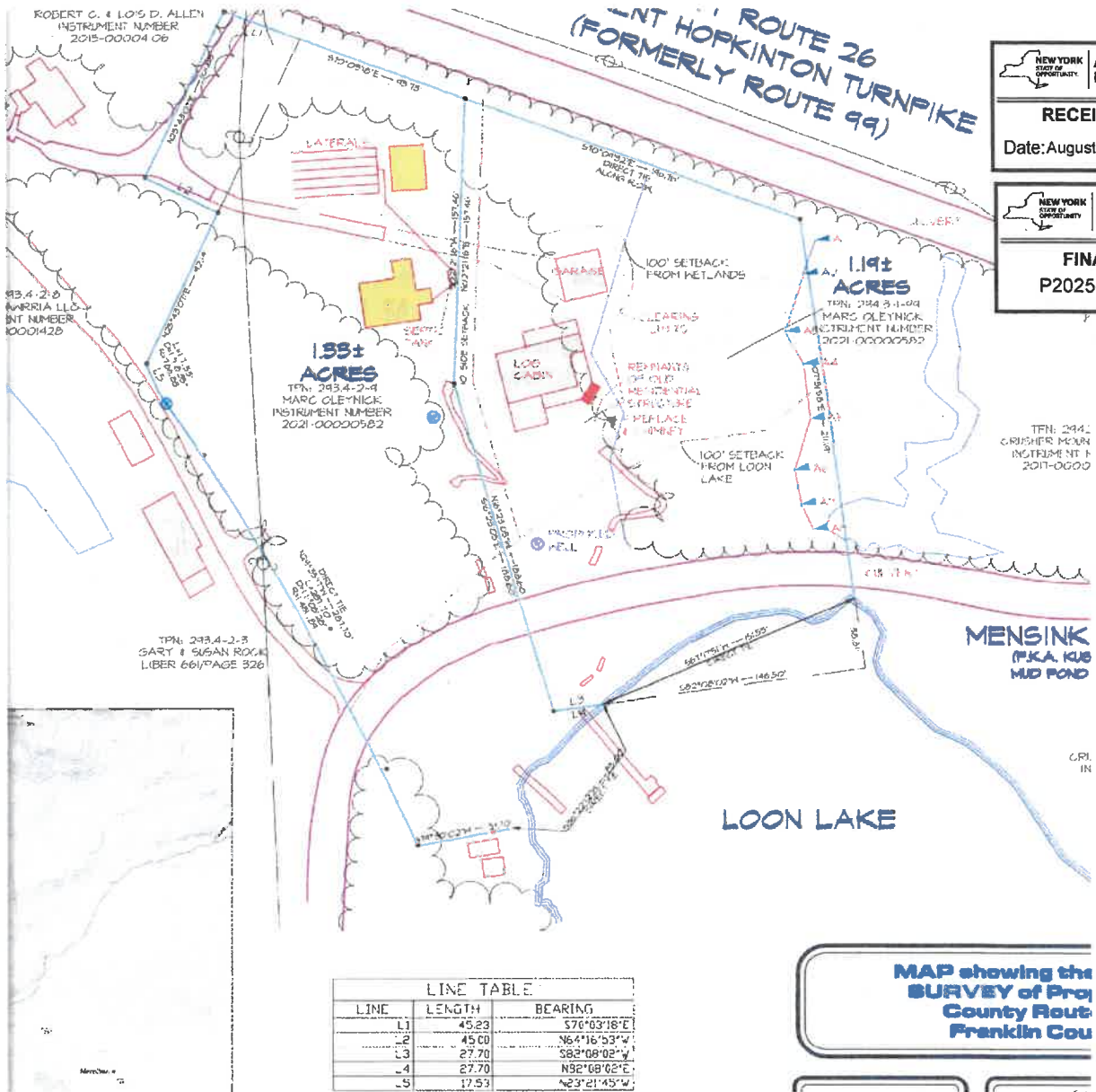
BY: 
John M. Burth
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 2nd day of September 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



RECEIVED

Date: August 12, 2025



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