

THIS IS A TWO-SIDED DOCUMENT

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|  <b>Adirondack Park Agency</b>  | APA Permit<br>2025-0202  |
| P.O. Box 99, 1133 NYS Route 86<br>Ray Brook, New York 12977<br>Tel: (518) 891-4050<br><a href="http://www.apa.ny.gov">www.apa.ny.gov</a>   | Date Issued: <b>December 22, 2025</b>  |
| <p>In the Matter of the Application of<br/><br/><b>JAMES KLENA</b><br/><b>GINA DANISE</b><br/><b>Permittees</b><br/><br/>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p> | <p>To the County Clerk: Please index this permit in the grantor index under the following name(s):<br/><b>1. James Klena</b><br/><b>2. Gina Danise</b></p> |

**SUMMARY AND AUTHORIZATION**

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

This authorization shall expire unless recorded in the Hamilton 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 Hamilton County Clerk's Office. The Agency will consider the project in existence when the foundation of the single family dwelling has been constructed or 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  $21.00\pm$ -acre parcel of land located on NYS Route 30 in the Town of Wells, Hamilton 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 139.015, Block 1, Parcel 1.112, and is described in a deed from Hamilton County to James V. Klena and Gina T. Danise, dated August 27, 2018, and recorded August 27, 2018 in the Hamilton County Clerk's Office under Instrument Number 2018-1016.

The project site is improved by a single family dwelling and is subject to Agency permits 2012-0023 and 2012-0023A.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of a  $21.00\pm$ -acre parcel into a  $9.80\pm$ -acre parcel (Lot 1) and an  $11.20\pm$ -acre parcel (Lot 2). The project as conditionally approved herein also involves construction of a single family dwelling, on-site wastewater treatment system, and water supply well on Lot 2.

The project is shown on the following Project Plans:

- A single-sheet survey map titled, "Survey Map of Lands of James V. Klena & Gina Danise" prepared by J. Christopher Foss, P.L.S. and annotated by James Klena and, dated last revised February 24, 2025 and received by the Agency on October 31, 2025 (Survey Map); and
- A three page set of plans titled, "James Klena Subdivision Lot 2 Septic Design", prepared by James Francis Reis Jr., P.E., dated October 30, 2025 and received by the Agency on October 31, 2025 (Septic Plans).

A reduced-scale copy of the Survey Map for the project is attached as a part of this permit for reference.

### **AGENCY JURISDICTION**

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 that results in the creation of five or more lots, parcels, or sites since May 22, 1973, in a Rural Use 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 any subdivision of Rural Use lands within 150 feet of the edge of the right-of-way of any state highway 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 within one-eighth mile of tracts of forest preserve land classified as wilderness.

## 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 Hamilton 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, the 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 2012-0023 and 2012-0023A in relation to the project site. The terms and conditions of permits 2012-0023 and 2012-0023A 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 2025-0202, issued December 22, 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 Map. Any subdivision not depicted on the Survey Map shall require a new or amended permit.
7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on Lot 2 in the location shown and as described on the Survey Map.

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 750 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any change to the location or dimensions of the single family dwelling shall require prior written Agency authorization.
8. The undertaking of any new land use or development not authorized herein on the project site within one-quarter mile of the Main Branch Sacandaga River

River, or within 150 feet of the right of way of NYS Route 30, or within one-eighth mile of the Wilderness area shall require a new or amended permit.

9. The construction of any accessory structure on the project site outside the limits of clearing shown on the Survey Map shall require prior written Agency authorization.
10. Construction of any guest cottage on the project site shall require prior written Agency authorization.
11. Any on-site wastewater treatment system on Lot 2 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 Plans. 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.

12. 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.
13. 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 adjoining property.
14. 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.
15. Within 150 feet of the centerline of NYS Route 30, no trees, shrubs or other woody-stemmed vegetation outside the limits of clearing shown on the Survey Map may be cut, culled, trimmed, pruned or otherwise removed or disturbed 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.
16. There shall be no more than one principal building located on Lot 1 at any time. The single family dwelling constructed on the property in 2017 constitutes one principal building.
17. There shall be no more than one principal building located on Lot 2. The single family dwelling authorized herein constitutes one principal building.

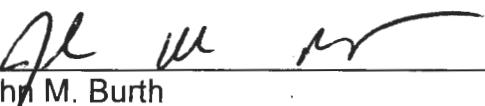
### CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision and 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 be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- g. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- h. 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 22<sup>nd</sup> day  
of December, 2025.

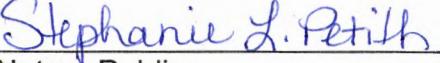
ADIRONDACK PARK AGENCY

BY:   
John M. Burth  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 22<sup>nd</sup> day of December 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 PETITH  
Notary Public, State of New York  
Reg. No. 01PE6279890  
Qualified in Essex County  
Commission Expires April 15, 2029

  
Notary Public

PATENT 4 BERGEN'S PURCHASE

LANDS OF STATE, W. NY, N. Y.  
S.B.L. 139-1-11

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PATENT 5 BERGEN'S PURCHASE

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| P2025-0202 | Administrative<br>New Agency |

LANDS OF  
EDWARD E. KLENA  
(INST. NO. 2044-16)  
S.B.L. 139-015-1-111

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