


THIS IS A TWO-SIDED DOCUMENT

 <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit <b>2025-0309</b></p>
<p>In the Matter of the Application of <b>ROBERT WILTENBURG and CANDACE O'CONNOR</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: <b>February 25, 2026</b></p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s): <b>1. Robert Wiltenburg 2. Candace O'Connor</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Thurman, Warren County.

This authorization shall expire unless recorded in the Warren 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 Warren County Clerk's Office. The Agency will consider the project in existence 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 6.91±-acre parcel of land located on Maxam Road in the Town of Thurman, Warren 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 192, Block 1, Parcel 6, and is described in a deed from James W. Myers and Barbara J. Brave to Robert Wiltenburg and Candace O'Connor, dated June 19, 2021, and recorded July 20, 2012 in the Warren County Clerk's Office at Book 4533, Page 133.

The project site contains shoreline on Garnet Lake. The project site also contains wetlands associated with the shoreline of Garnet Lake.

The project site is improved by a single family dwelling constructed in 1955, a cabin constructed in 1990, and a single family dwelling constructed in 2017.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of 6.91± acres to create a 3.67±-acre parcel (Lot 1) improved by a single family dwelling constructed in 2017, an associated on-site wastewater treatment system, and an accessory cabin; and a 3.24±-acre parcel (Lot 2) improved by a single family dwelling constructed in 1955 and associated on-site wastewater treatment system.

The project is shown on a survey map titled "Map of proposed subdivision of lands of Robert Wiltenburg and Candace O'Connor" prepared by Magee Land Surveying and dated November 16, 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 any subdivision involving wetlands 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 Warren 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 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 2025-0309, issued February 25, 2026, 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 Site Plan. Any future subdivision of the project site not depicted on the Site Plan shall require a new or amended permit.
6. Construction of any guest cottage on the project site shall require prior written Agency approval.
7. Prior to undertaking construction of any boathouse or dock on Lot 1, written authorization of plans, including all attached upland structures, shall be obtained from the Agency.
8. There shall be no boathouses or docks on Lot 2.
9. The undertaking of any activity involving wetlands shall require a new or amended permit.
10. No structures greater than 100 square feet in size shall be constructed within 75 feet, measured horizontally, of the mean high water mark of Garnet Lake. Boathouses and docks, as defined under 9 NYCRR § 570.3 are excepted from this requirement.
11. 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 a principal building.
12. There shall be no principal buildings located on Lot 2 other than the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.

**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 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 secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- g. will be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values.

Dated: February 25<sup>th</sup>, 2026

Ray Brook, New York

**ADIRONDACK PARK AGENCY**

By:   
John M. Burth  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 25<sup>th</sup> day of February in the year 2026, 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

STEPHANIE PETITH  
Notary Public, State of New York  
Reg. No. 01PE6279890  
Qualified in Essex County  
Commission Expires April 15, 2029

