

THIS IS A TWO-SIDED DOCUMENT

 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 2019-0022B
In the Matter of the Application of JOSEPH ROSS, SUSAN ROSS, MARTIN FRANZOI and LORI FRANZOI Permittees for a permit pursuant to § 809 of the Adirondack Park Agency Act	Date Issued: August 26, 2026 To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. Joseph Ross 2. Susan Ross 3. Martin Franzoi 4. Lori Franzoi

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Webb, Herkimer County.

This authorization shall expire unless recorded in the Herkimer 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 Herkimer County Clerk's Office. The Agency will consider the project in existence when the 0.54±- acre lot authorized herein has been merged with the adjoining lot.

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 6.1± acres of land located on Gull Rock Bay Road in the Town of Webb, Herkimer County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is further identified as follows:

- 2.0±-acre Tax Map Section 039.47, Block 1, Parcel 12, as described in a deed from Susan Ross and Joseph, III to Joseph Ross, III and Susan K. Ross, dated October 22, 2019 and recorded October 25, 2019 in the Herkimer County Clerk's Office under Instrument Number 2019-4803; and
- 4.1±-acre Tax Map Section 039.55, Block 1, Parcel 17 as described in a deed from Carol J. Saylor to Martian Franzoi and Lori Franzoi, dated October 22, 2020 and recorded November 10, 2020 in the Herkimer County Clerk's Office under Instrument Number 2020-5108.

The project site contains wetlands as depicted on the Site Plan. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site was created as Parcel 2 and Parcel 4 in a four-lot subdivision as authorized by Agency Permit 2019-0022.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the 4.1±-acre tax map parcel 39.55-1-17 to convey 0.54±-acres to be merged with adjoining tax map parcel 039.47-1-12, resulting in a new 2.54±-acre lot (tax map parcel 039.47-1-12) and a new 3.56±-acre lot (tax map parcel 39.55-1-17).

Tax map parcel 039.47-1-12 includes 0.48± acres of land merged from an adjoining property in 2021. As this subdivision and merge involved wetlands it appears that an Agency permit was required for its undertaking. Agency records indicate that no permit was obtained. By issuance of this permit, tax map parcel 039.47-1-12 shall be recognized as lawful for Agency purposes.

The project is shown on a survey map titled "Survey Map Showing Boundary Line Adjustment Between Lands of Joseph Ross, III, Susan K. Ross and Martin Franzoi, Lori Franzoi," prepared by LaFave, White & McGivern, L.S, P.C., and dated May 18, 2026 (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 and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands in the Adirondack Park.

This permit amends Condition 5 of Permit 2019-0022.

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 Herkimer 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 conditions in Permit 2019-0022 remain in full force and effect, except as amended herein.
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 2019-0022, issued August 26, 2019, and Permit 2019-0022B, issued August 26, 2026, 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 Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require prior written Agency authorization.
7. Within 30 days of conveyance of the 0.54-acre lot described herein, a new deed shall be filed in the Herkimer County Clerk's office describing the 0.54-acre lot and tax map parcel 039.47-1-12 as a single, un-divided lot. Any future subdivision of this undivided lot shall require a new or amended permit.
8. Within 100 feet of the wetlands depicted 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 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.
9. The undertaking of any activity involving wetlands shall require a new or amended permit.
10. There shall be no more than three principal buildings located on tax map parcel 39.55-1-17 at any time. The single family dwelling authorized in Agency Permit

2019-0022 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

11. There shall be no more than one principal building located on the merged property comprising tax map parcel 039.47-1-12. The existing single-family dwelling 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 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 Moderate Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity 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: August 26th, 2026
Ray Brook, New York

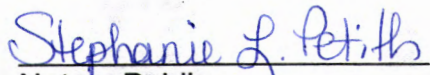
ADIRONDACK PARK AGENCY

By:

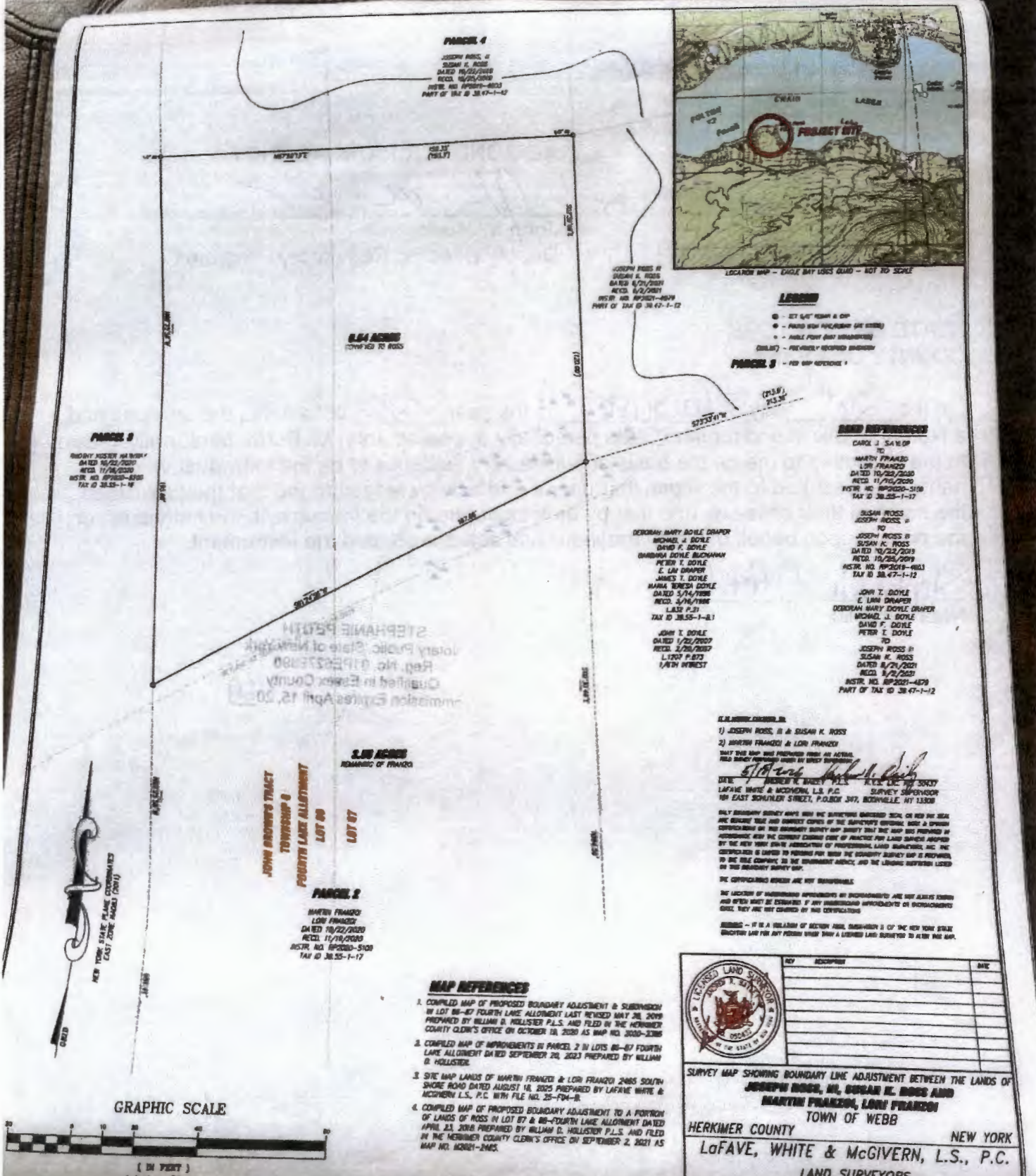

John M. Burth
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 26th day of August 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.


Notary Public

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



LEGEND

- - 5/8" x 1/4" NAIL & CAP
- - PILE WITH PULVERIZED STEEL
- - PILE WITH PULVERIZED STEEL
- - PILE WITH PULVERIZED STEEL
- - PILE WITH PULVERIZED STEEL

PARCEL 3 - PER MAP REFERENCE 1

MAP REFERENCES

CAROL J. SAYLOR
TO
MARTIN FRANCO
LORI FRANCO
DATED 10/22/2020
RECD. 11/10/2020
NSTR. NO. 100200-5108
TAX ID 38.55-1-17

SUSAN ROSS
JOSEPH ROSS
TO
JOSEPH ROSS &
SUSAN K. ROSS
DATED 10/22/2020
RECD. 11/10/2020
NSTR. NO. 100200-5108
TAX ID 38.55-1-17

JOHN T. DOYLE
C. LIND DRAPER
DEREK HARRY DOYLE DRAPER
MICHAEL J. DOYLE
DAVID F. DOYLE
PETER E. DOYLE
TO
JOSEPH ROSS &
SUSAN K. ROSS
DATED 10/22/2020
RECD. 11/10/2020
NSTR. NO. 100200-5108
TAX ID 38.55-1-17

DEED REFERENCE

1) JOSEPH ROSS & SUSAN K. ROSS
2) MARTIN FRANCO & LORI FRANCO
THAT THIS MAP WAS PREPARED FROM AN ACTUAL
FIELD SURVEY CONDUCTED BY THE SURVEYOR
DATE: 10/22/2020 BY: LAFAYETTE WHITE & MCGIVERN, L.S., P.C.
LAFAYETTE WHITE & MCGIVERN, L.S., P.C. SURVEY SUPERVISOR
100 EAST SCHUYLER STREET, P.O. BOX 307, BOONVILLE, NY 13308

ONLY SURVEYOR'S SIGNATURE AND THE SURVEYOR'S LICENSE NO. ON THE MAP SHALL
BE VALID. THIS MAP AND SURVEYOR'S SIGNATURE SHALL BE VALID ONLY IF THE SURVEYOR
IS A LICENSED SURVEYOR IN THE STATE OF NEW YORK. THE SURVEYOR'S SIGNATURE
AND LICENSE NO. SHALL BE VALID ONLY IF THE SURVEYOR IS A LICENSED SURVEYOR
IN THE STATE OF NEW YORK. THE SURVEYOR'S SIGNATURE AND LICENSE NO. SHALL
BE VALID ONLY IF THE SURVEYOR IS A LICENSED SURVEYOR IN THE STATE OF NEW YORK.

MAP REFERENCES

1. COMPILED MAP OF PROPOSED BOUNDARY ADJUSTMENT & SUBDIVISION
BY LOT 86-87 FOURTH LAKE ALLOTMENT LAYED OUT MAY 20, 2019
PREPARED BY WILLIAM D. HOLLISTER P.L.S. AND FILED IN THE HERKIMER
COUNTY CLERK'S OFFICE ON OCTOBER 18, 2020 AS MAP NO. 2020-2386

2. COMPILED MAP OF IMPROVEMENTS IN PARCEL 2 IN LOTS 86-87 FOURTH
LAKE ALLOTMENT DATED SEPTEMBER 20, 2023 PREPARED BY WILLIAM
D. HOLLISTER

3. SITE MAP LANDS OF MARTIN FRANCO & LORI FRANCO 2485 SOUTH
SHORE ROAD DATED AUGUST 18, 2025 PREPARED BY LAFAYETTE WHITE &
MCGIVERN L.S., P.C. WITH FILE NO. 25-FM-8

4. COMPILED MAP OF PROPOSED BOUNDARY ADJUSTMENT TO A PORTION
OF LANDS OF ROSS IN LOT 87 & 88-FOURTH LAKE ALLOTMENT DATED
APRIL 23, 2018 PREPARED BY WILLIAM D. HOLLISTER P.L.S. AND FILED
IN THE HERKIMER COUNTY CLERK'S OFFICE ON SEPTEMBER 2, 2021 AS
MAP NO. 162021-2M5.

REV	DESCRIPTION	DATE

SEAL OF THE SURVEYOR

**SURVEY MAP SHOWING BOUNDARY LINE ADJUSTMENT BETWEEN THE LANDS OF
JOSEPH ROSS, JR., SUSAN K. ROSS AND
MARTIN FRANCO, LORI FRANCO
TOWN OF WEBB
HERKIMER COUNTY NEW YORK
LaFAVE, WHITE & MCGIVERN, L.S., P.C.
LAND SURVEYORS
THERESA - BOONVILLE
NEW YORK**

DATE	CHECKED	DATE	SCALE	FILE	REMARKS
10/22/2020	10/22/2020	10/22/2020	1" = 80'	10/22/2020	10/22/2020

Adirondack Park Agency

RECEIVED

Date: July 31, 2026

Adirondack Park Agency

FINAL

P2019-0022B