

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 2025-0270
In the Matter of the Application of JOHN M. WEIMER AND MARYELLEN WEIMER Permittees for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578	Date Issued: September 10, 2026 To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. John M. Weimer 2. Maryellen Weimer

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 Tupper Lake, 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 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 0.684±-acre parcel of land located on Lake Simond Road in the Town of Tupper Lake, Franklin County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 500.74, Block 1, Parcel 15, and is described in a deed from John Anthony Mercurio and Cheryl Mercurio to John M. Weimer and Maryellen Weimer, dated August 4, 2014, and recorded in the Franklin County Clerk's Office as Instrument Number 2014-3901.

The project site contains shoreline and inwater wetlands associated with Raquette River. Additional wetlands not described herein or depicted on the Sketch Plan may be located on or adjacent to the project site.

The project site is improved by a single family dwelling constructed in approximately 2005 and a dock.

The project site was created as a 0.684±-acre lot in a two-lot subdivision as authorized by Agency Permit 2014-0068.

PROJECT DESCRIPTION

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

- A 0.167±-acre lot; and
- A 0.517±-acre lot improved by a single family dwelling.

The project is shown on an annotated portion of "Map Showing Lands of John Anthony," prepared by Thew Associates Land Surveyors, dated July 18, 2014, and received by the Agency on October 27, 2025 (Sketch Plan).

A reduced-scale copy of the Sketch 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.

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 moderate intensity use lands that results in the creation of a shoreline lot smaller than 0.57 acres in size in the Adirondack Park.

This permit amends Condition 4 of Permit 2014-0068.

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, the Sketch 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, the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Permit 2014-0068 in relation to the project site. The terms and conditions of Permit 2014-0068 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 2025-0270, issued September 10, 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 Sketch Plan. Any subdivision of the project site not depicted on the Sketch Plan shall require a new or amended permit.
7. The deed of conveyance for the 0.167±-acre lot shall contain a covenant restricting the property against the construction of any single family dwelling, mobile home, or other principal building as that term is defined under the Adirondack Park Agency Act. The deed shall state that the covenant shall run with, touch and concern the land, and that the covenant shall be enforceable by the Adirondack Park Agency and the State of New York.
8. Prior to undertaking construction of any boathouse on the 0.517±acre lot, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
9. There shall be no boathouses on the 0.167±-acre lot.
10. Prior to undertaking construction of any new dock and/or any dock replacement or expansion on the 0.517±-acre lot, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.

11. Prior to undertaking construction of any new dock and/or any dock replacement or expansion on the 0.167±-acre lot, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
12. No structures greater than 100 square feet in size, shall be constructed within 50 feet, measured horizontally, of the mean high water mark of Raquette River.
13. The undertaking of any activity involving wetlands shall require a new or amended permit.
14. There shall be no principal buildings located on the 0.517±-acre lot other than the existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.
15. There shall be no principal buildings located on 0.167±-acre lot.

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: September 10th, 2026

Ray Brook, New York

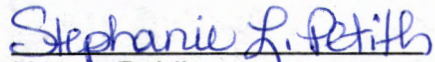
ADIRONDACK PARK AGENCY

By:


John M. Burth
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 10th day of September 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

1. North arrow as shown indicates Grid North referenced to the North American Datum of 1983, 2011 adjustment (NAD83/2011), projected on the New York State Plane Coordinate System (East Zone).

2. The information shown hereon is based on an instrument survey completed on July 18, 2014.

3. This survey was completed without the benefit of an abstract of title and is subject to such facts that may be disclosed therein.



NEW YORK
STATE OF
OPPORTUNITY

**Adirondack
Park Agency**

