

THIS IS A TWO-SIDED DOCUMENT

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></p> <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>2023-0173</b></p>
<p>In the Matter of the Application of</p> <p><b>ELIAS HADDAD</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act, 9 NYCRR Part 577, and 9 NYCRR Part 578</p>	<p>Date Issued: January 4, 2024</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <p><b>1. Elias Haddad</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision and the construction of two single family dwellings in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Johnsbury, 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 either 1) an authorized lot has been conveyed to an outside party, or 2) an authorized 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 a 18.47±-acre parcel of land located on River Road in the Town of Johnsbury, 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 66, Block 1, Parcel 68.4, and is described in a deed from Don E. Byron, Elias Haddad, and Philip F. Johnson to Elias Haddad, dated November 2, 1970, and recorded November 17, 1970 in the Warren County Clerk's Office at Book 528, Page 569.

The project site is located within the designated Hudson River Recreational River area and contains forested wetlands parallel with River Road 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.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of 18.47 acres, creating a 10.70-acre lot (Lot 1) and 7.77-acre lot (Lot 2). Each lot is to be improved by a single family dwelling, attached garage, and on-site wastewater treatment system and be served by individual water supply well.

The project is shown on the following maps and plans (Project Plans):

- A subdivision map titled "Map of Proposed 2 Lot Subdivision of Lands of Elias Haddad," prepared by William M. Curran, PLS, and dated November 8, 2023 (Site Plan); and
- A four-page report titled "APA Project No. 2023-0173," prepared by Elias Haddad, PE, received by the Agency on November 13, 2023 (OSWTS 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.

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.

## **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 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, Wild, Scenic and Recreational Rivers System 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 2023-0173, issued January 4, 2024, 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 subdivision not depicted on the Site Plan shall require a new or amended permit.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and attached garage on both Lot 1 and Lot 2 in the locations, footprints, and heights shown and as described on the Site Plan. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
7. The construction of any accessory structure on Lot 1 within 100 feet of the wetlands depicted on the Site Plan shall require prior written Agency authorization.
8. Construction of any guest cottage on the project site shall require prior written Agency authorization.
9. Pursuant to the Adirondack Park Agency Act and Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act, new structures are prohibited within 150 feet, measured horizontally, of the mean high water mark of the Hudson River. Fences, poles, and lean-tos are excepted from this requirement.
10. The undertaking of any new land use or development not authorized herein on the project site within one-quarter mile of the Hudson River shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
11. 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 Project 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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
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 toward River Road, the Hudson River, or adjoining property.
14. 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 on Lot 1 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.
15. Outside of the limits of clearing shown on the Site Plan, no trees greater than 6 inches in diameter at breast height may be cut, culled, trimmed, pruned or otherwise removed within 100 feet of River Road on Lot 2 without prior written Agency authorization, except for the removal of 1) an area up to 25 feet in width for driveway construction and utility installations, and 2) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
16. Within 150 feet of the mean high water mark of the Hudson River, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed 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.

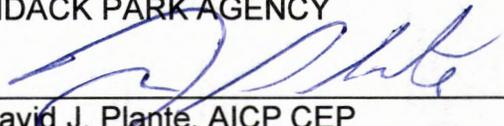
**CONCLUSIONS OF LAW**

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, 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 authorized as conditioned herein:

- a. will meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Johnsburg;
- b. 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;
- c. 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;
- d. 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;
- e. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- f. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- g. 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 4<sup>th</sup> day of January, 2024.

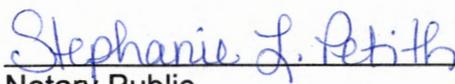
ADIRONDACK PARK AGENCY

BY:   
David J. Plante, AICP CEP  
Deputy Director, Regulatory Programs

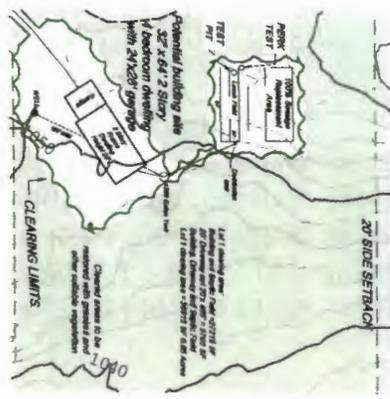
STATE OF NEW YORK  
COUNTY OF ESSEX

On the 4<sup>th</sup> day of January in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, 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.

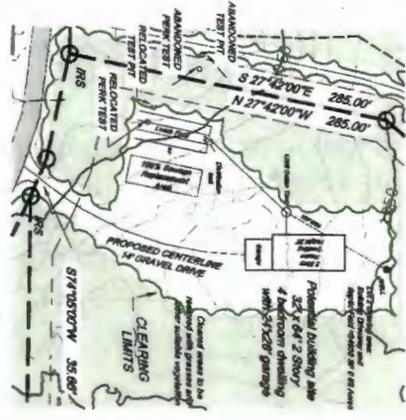
Stephanie L. Petith  
Notary Public, State of New York  
Reg No 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15, 2025

  
Notary Public

(SITE 1)

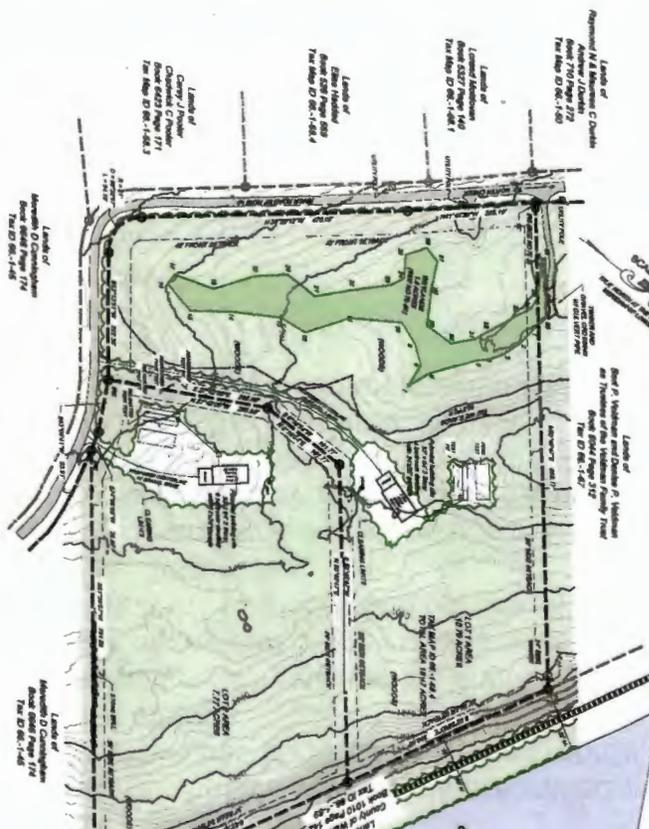


(SITE 2)



- MAP REFERENCES:**
1. Map of Certain Lots of Elm, Hatched, Lying in the Hamlet of North Creek, By David E. Brown, 5, 1989 Final Supplement 5, 1993, Book 637 Page 216.
  2. Map of Lots to be Conveyed to Peter P. & Denise P. Johnson By Peter P. & Denise P. Johnson, 12, 2000, Book 638 Page 200.
  3. Right of Way and Tract Map, The Delaware and Hudson Company, Situated in the County of Warren, State of New York, as the Same are Shown on Sheet 2007-03 of Session 3009-15, Dated Jan. 30, 1916, File No. Book 1010 Page 142.

- DEED REFERENCES:**
1. Deed of David E. Brown, Elm, Hatched and Subd. P. Johnson, 5, 1989 Final Supplement 5, 1993, Book 637 Page 216.
  2. Deed of Peter P. & Denise P. Johnson, 12, 2000, Book 638 Page 200.
  3. Deed of Peter P. & Denise P. Johnson, 12, 2000, Book 638 Page 200.
  4. Deed of Peter P. & Denise P. Johnson, 12, 2000, Book 638 Page 200.



PLAN

DATE	REVISION
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APPROVED BY:	DATE:
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**RECEIVED**
  
 Date: November 22, 2023

**FINAL**
  
 P2023-0173

This drawing is the property of the Designer and shall remain the property of the Designer. It is to be used only for the project and site described herein. No part of this drawing shall be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the Designer.

**DISCLAIMER:**
  
 The Designer is not responsible for the accuracy of the information provided by the client or for the results of the use of this drawing. The Designer is not a surveyor and does not warrant the accuracy of the survey data. The Designer is not responsible for the accuracy of the information provided by the client or for the results of the use of this drawing.