

THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</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 2024-0048</p>
<p>In the Matter of the Application of</p> <p>KIM L. TILLERY AND LYNN E. FIGURA Permittees</p> <p>For a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: May 1, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Kim L. Tillery2. Lynn E. Figura

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Indian Lake, 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 this permit has been filed.

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 1.75±-acre parcel of land located on NYS Route 28 in the Town of Indian Lake, Hamilton County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified as the above water portion of Tax Map Section 46.007, Block 3, Parcel 17.111, and is described in a deed from The Potter Camp Inc. to Kim L. Tillery and Lynn E. Figura, dated December 30, 2020, and recorded January 20, 2021 in the Hamilton County Clerk's Office under Instrument Number 2021-96.

The project site contains shoreline on Blue Mountain Lake. The project site also contains extensive wetlands throughout the site around the existing development. Additional wetlands not described herein or depicted on the Survey Map may be located on or adjacent to the project site.

The project site is improved by two single family dwellings constructed in 1954 and associated holding tanks, and a steel storage shed constructed in 2010. Access to the project site is over an existing driveway with shared right-of-way access for both single family dwellings.

The project site was created in a three-lot subdivision as authorized by Agency Permit 92-45.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of Tax Map Parcel 46.007-3-17.111 to create a 0.84±-acre lot with a pre-existing single family dwelling (Lot 1) and a 0.91±-acre lot with a pre-existing single family dwelling (Lot 2). No new development is proposed.

The project is shown on the following maps, plans, and reports:

- A one-sheet plan titled "Map of a Subdivision of Potter Camp, INC.," prepared by Patrick J. Magee, Magee Land Surveying, and dated July 10, 2020 (Survey Map);
- A four-sheet report titled "Driveway Maintenance Agreement," un-dated and un-signed, received by the Agency on February 22, 2024 (Driveway Maintenance Agreement).

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 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.

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 Survey Map 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. This permit amends and supersedes Permit 92-45 in relation to the project site. The terms and conditions of Permit 92-45 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 2024-0048, issued May 1, 2024, 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 of the project site not depicted on the Survey Map shall require a new or amended permit.
7. Any deed of conveyance for Lot 2 as depicted on the Survey Map shall contain an easement providing access to Tax Map Parcel 46.007-3-17.100 over the easement area shown and described on the Site Plan.
8. The undertaking of any new land use or development on the project site shall require prior written Agency authorization. The undertaking of any activity involving wetlands shall require a new or amended permit.
9. The single family dwellings on the project site shall not be expanded, winterized, or occupied for more than 6 months per year without prior written Agency authorization.
10. Prior to undertaking construction of any boathouse on the project site, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.

11. Prior to undertaking construction of any dock on the project site, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
12. Installation of any replacement on-site wastewater treatment system(s) on the project site shall require prior written Agency approval.

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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Indian Lake;
- 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; and
- 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.

PERMIT issued this 1st day
of May, 2024.

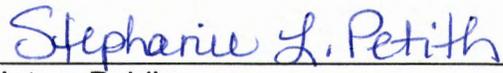
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 1st day of May 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

MAP REFERENCES

- 1) "MAP FOR: BLUE MOUNTAIN LAKE WATER DISTRICT NO. 1," BEING IN THE TOWN OF INDIAN LAKE, COUNTY OF HAMILTON, STATE OF NEW YORK, PREPARED BY JAMES NESTOR, LICENSED LAND SURVEYOR. DATED FEBRUARY 24, 1998. LAST REVISED 9-2-98.
- 2) "SUBDIVISION OF LANDS OF: THE POTTER CAMP, INC., TO BE KNOWN AS BLUE MOUNTAIN LAKE WOODLANDS," BEING IN THE TOWN OF INDIAN LAKE, COUNTY OF HAMILTON, STATE OF NEW YORK, PREPARED BY JAMES NESTOR, LICENSED LAND SURVEYOR. SHEET 3 OF 3, DATED DECEMBER 11, 1991. LAST REVISED 12-08-1992.
- 3) "MAP FOR: THE POTTER CAMP, INC." BEING IN THE TOWN OF INDIAN LAKE, COUNTY OF HAMILTON, STATE OF NEW YORK, PREPARED BY JAMES NESTOR, LICENSED LAND SURVEYOR. DATED APRIL 07, 1997.
- 4) "MAP FOR: MICHAEL SEAN CURRY AND JOHN ROBERT CURRY, III," BEING IN THE TOWN OF INDIAN LAKE, COUNTY OF HAMILTON, STATE OF NEW YORK, PREPARED BY JAMES NESTOR, LICENSED LAND SURVEYOR. DATED OCTOBER 2, 1992. LAST REVISED 05-24-1993.
- 5) "MAP FOR: THE POTTER CAMP, INC." BEING IN THE TOWN OF INDIAN LAKE, COUNTY OF HAMILTON, STATE OF NEW YORK, PREPARED BY JAMES NESTOR, LICENSED LAND SURVEYOR. DATED MAY 19, 2000.
- 6) "MAP FOR: PETER A. SAHLER AND KYLE R. SAHLER," BEING IN THE TOWN OF INDIAN LAKE, COUNTY OF HAMILTON, STATE OF NEW YORK, PREPARED BY JAMES NESTOR, LICENSED LAND SURVEYOR. DATED OCTOBER 09, 2003.
- 7) "SURVEY MAP OF A 0.71 ACRE PARCEL TO BE CONVEYED BY THE POTTER CAMP INC. TO OR WILLIAM H. MEYER IN THE TOWN OF INDIAN LAKE, HAMILTON COUNTY, NEW YORK. ALSO IN ASSESSORS LOT "A" IN TWP. 34 OF TOTTEN & CROSSFIELD PURCHASE" SURVEY & MAP BY G.C. SYLVESTER P.E. & L.S., DATED AUGUST 13, 1974.
- 8) "NEW YORK STATE DEPARTMENT OF TRANSPORTATION ACQUISITION MAP" SEVENTH LAKE-BLUE MOUNTAIN LAKE, PART 2-B, S.H. NO. 8293" MAP NO. 18, PARCEL NO. 28, DATED MARCH 12, 2008.
- 9) "NEW YORK STATE DEPARTMENT OF TRANSPORTATION ACQUISITION MAP" SEVENTH LAKE-BLUE MOUNTAIN LAKE, PART 2-B, S.H. NO. 8293" MAP NO. 19, PARCEL NO. 29, DATED MARCH 12, 2008.

RIGHT-OF-WAY BEARING TABLE

LINE	BEARING	DISTANCE
L1	N 72°59'20" W	30.15
L2	N 14°31'50" W	76.17
L3	N 27°14'05" W	25.75
L4	N 39°44'50" W	20.39
L5	N 53°26'45" W	30.69
L6	N 63°42'45" W	23.24
L7	N 53°23'25" W	44.62
L8	S 25°18'15" W	48.55
L9	S 64°41'45" E	33.14
L10	N 61°24'45" E	24.42
L11	S 63°42'45" E	17.32
L12	S 53°26'45" E	26.49
L13	S 39°44'50" E	15.80
L14	S 27°14'05" E	21.33
L15	S 14°31'50" E	72.36
L16	S 24°26'50" E	76.84
L17	S 43°38'45" W	85.95
L18	N 49°08'40" W	43.95
L19	N 40°51'20" W	34.03
L20	N 49°08'40" E	61.93
L21	N 60°02'05" E	60.54

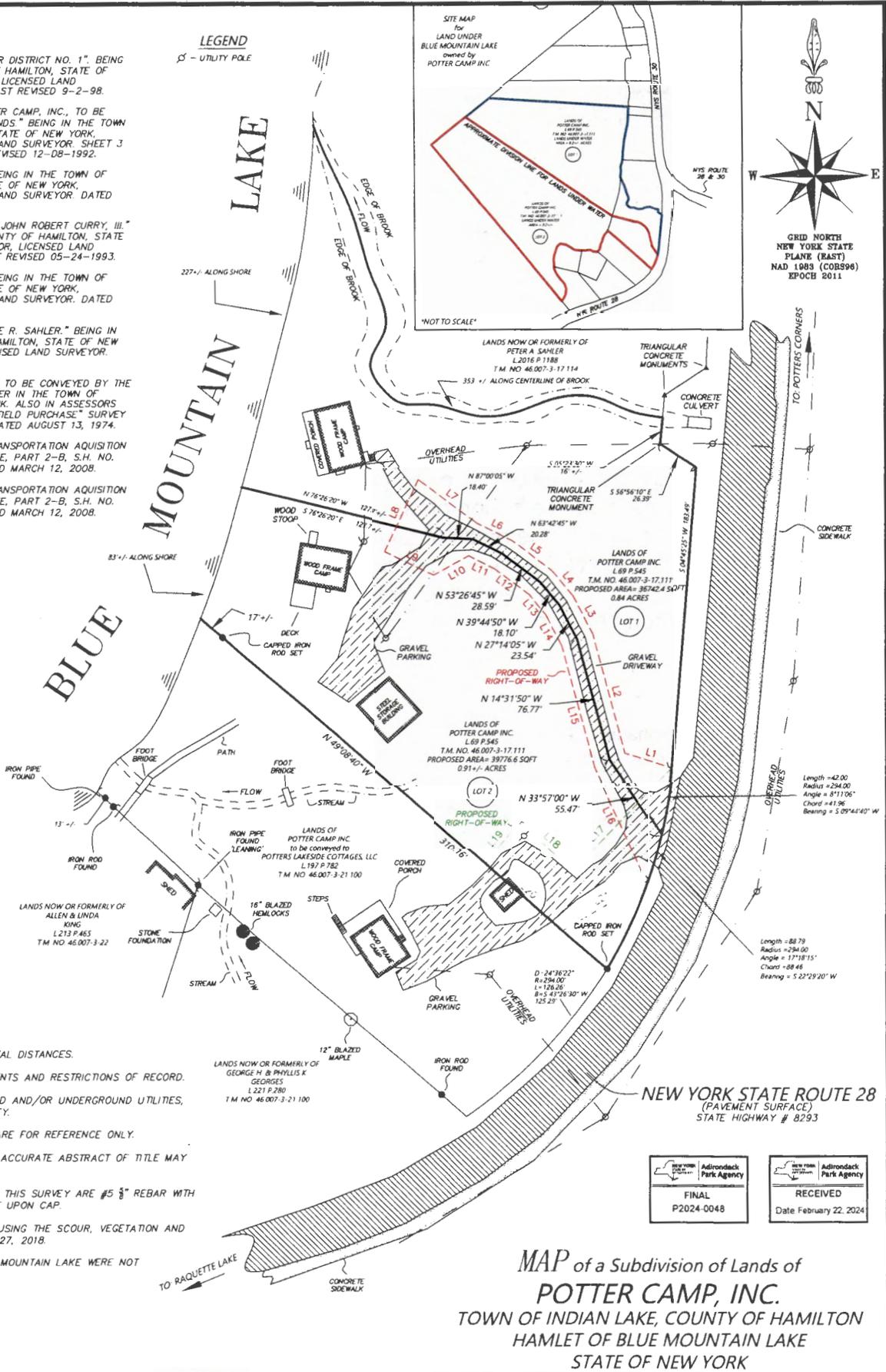
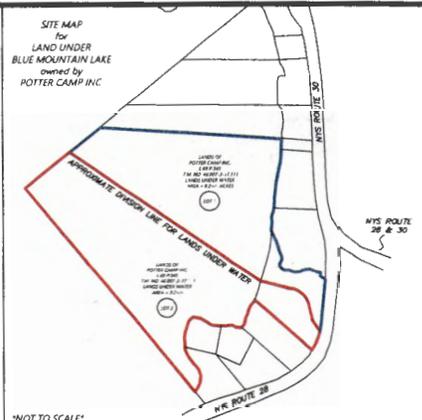
BEING IN THE 32nd TOWNSHIP TOTTEN & CROSSFIELD PURCHASE

MAP NOTES

- 1) ALL DISTANCES SHOWN ARE HORIZONTAL DISTANCES.
- 2) SUBJECT TO ALL APPLICABLE EASEMENTS AND RESTRICTIONS OF RECORD.
- 3) EXISTENCE AND LOCATION OF WETLAND AND/OR UNDERGROUND UTILITIES, IF ANY, NOT DETERMINED BY THIS SURVEY.
- 4) TAX MAP NUMBERS, WHERE SHOWN, ARE FOR REFERENCE ONLY.
- 5) SUBJECT TO WHAT A COMPLETE AND ACCURATE ABSTRACT OF TITLE MAY REVEAL.
- 6) CAPPED IRON RODS SET AS PART OF THIS SURVEY ARE #5 3/8" REBAR WITH SURVEYOR'S LICENSE NUMBER AND NAME UPON CAP.
- 7) MEAN HIGH WATER WAS DETERMINED USING THE SCOUR, VEGETATION AND DEBRIS LINE, AS LOCATED ON OCTOBER 27, 2018.
- 8) LANDS UNDER THE WATERS OF BLUE MOUNTAIN LAKE WERE NOT DETERMINED BY THIS SURVEY.

LEGEND

⊗ - UTILITY POLE



NEW YORK STATE ROUTE 28 (PAYMENT SURFACE) STATE HIGHWAY # 8293

	Adirondack Park Agency		Adirondack Park Agency
FINAL	P2024-0048	RECEIVED	Date February 22, 2024

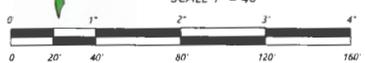
MAP of a Subdivision of Lands of POTTER CAMP, INC. TOWN OF INDIAN LAKE, COUNTY OF HAMILTON HAMLET OF BLUE MOUNTAIN LAKE STATE OF NEW YORK

CERTIFICATIONS ON THIS BOUNDARY SURVEY MAP SIGNIFY THAT THE MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC. THE CERTIFICATION IS LIMITED TO PERSONS FOR WHOM THE BOUNDARY SURVEY MAP IS PREPARED, TO THE TITLE COMPANY, TO THE GOVERNMENTAL AGENCY, AND TO THE LENDING INSTITUTION LISTED ON THIS BOUNDARY SURVEY MAP.

ONLY PRINTS WITH THE ORIGINAL LAND SURVEYOR'S SEAL IN BLACK INK OR EMBOSSED SEAL, AND SIGNATURE IN GREEN INK ARE TRUE AND VALID. ANY UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.



MAGEE LAND SURVEYING
Design Professional Corp
SCALE 1" = 40'



MAGEE LAND SURVEYING, D.P.C. P.O. BOX 511, CHESTERTOWN, NY 12817	PHONE: (518)-494-4746 magesurveying@gmail.com
I HEREBY CERTIFY THAT THIS IS AN ACCURATE DEPICTION OF AN ACTUAL ON THE GROUND SURVEY PREPARED BY MYSELF OR UNDER MY DIRECTION AS OF THE DATE OF NOVEMBER 15, 2018	
TO: POTTER CAMP INC.	
PATRICK J. MAGEE LS# 50833	DATE: 07-10-2020