

THIS IS A TWO-SIDED DOCUMENT

 <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 2024-0312</p>
<p>In the Matter of the Application of</p> <p>GORMAN RUGGIERO Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: January 23, 2025</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. Gorman Ruggiero</p>

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 Lake Luzerne, 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 22.282±-acre parcel of land located on Howe Road in the Town of Lake Luzerne, Warren 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 286.15, Block 1, Parcel 28.1, and is described in a deed from Painted Pony Championship Rodeo, Inc. to Gorman Ruggiero, and recorded in the Warren County Clerk's Office under Book 1144, Page 204.

The project site contains shoreline on a pond located on Berry Pond Brook. Wetlands on the west side of Howe Road are Value "1" with over 50 acres of contiguous emergent marsh and shrub swamp wetland covertypes associated with Berry Pond Brook. Wetlands on the east side of Howe Road are Value "2" with emergent marsh and shrub swamp wetland covertypes associated with Berry Pond Brook. Additional wetlands not described herein or depicted on the Subdivision Plan may be located on or adjacent to the project site.

The project site is improved by a single-family dwelling, a bunkhouse, and accessory structures associated with a pre-existing tourist attraction, a tourist accommodation; and a former motel structure. The bunkhouse was improved in 2021 and the former motel has not operated since approximately 1998.

The project site was created as "Lot 1" in a two-lot subdivision as authorized by Agency Permit 2021-0134.

PROJECT DESCRIPTION

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

- a 4.44-acre lot, improved by an accessory structure (Building C); and
- a 17.84-acre lot, improved by the existing dwelling (Building A), and existing bunkhouse (Building B).

Building C on the 4.44-acre lot is currently an accessory structure that is utilized for storage. Operations on the 17.94 acre lot include tourist accommodations in Building A and Building B.

The project is shown on the on the 22.282±-acre portion of the following plan: Annotated "Map of a Proposed Subdivision Lands Now or Formerly of Gorman J. Ruggiero," prepared by Darrah Land Surveying, PLLC, and received by the Agency on November 7, 2024 (Subdivision Plan).

A reduced-scale copy of the Subdivision 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.

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 the Subdivision 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. This permit amends and supersedes Permit 2021-0134 in relation to the project site. The terms and conditions of Permit 2021-0134 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 2024-0312, issued January 23, 2025, 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 of the project site as depicted on the 22.282±-acre portion of the Subdivision Plan. Any subdivision of the project site not depicted on the Subdivision Plan shall require a new or amended permit.
7. The construction of any new dwelling or other principal building on the project site depicted on the Site Plan shall require a new or amended permit. The construction of any new accessory structure on the project site shall prior written Agency authorization.
8. Prior to undertaking construction of any boathouse on the 17.84-acre lot, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
9. Prior to undertaking construction of any dock on the 17.84-acre lot, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.

10. No structures greater than 100 square feet in size, shall be constructed within 50 feet, measured horizontally, of the mean high water mark of "pond" as depicted and described on the Subdivision Plan. Boathouses and docks, as defined under 9 NYCRR § 570.3 are excepted from this requirement.
11. Prior to construction of any on-site wastewater treatment system(s) on the 4.44-acre lot, written authorization shall be obtained from the Agency for plans prepared by a New York State design professional (licensed engineer or registered architect) that comply with New York State Department of Health's "Wastewater Treatment Standards for Individual Household Systems" (10 NYCRR Appendix 75 A).

Installation of the approved plans shall be under the supervision of a licensed design professional. Within 30 days of complete system installation and prior to utilization, the design professional shall provide the Agency with written certification that the system was installed in compliance with the Agency authorized plan set.

12. There shall be no more than three principal buildings located on the 4.44-acre lot. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
13. There shall be no more than 13 principal buildings located on 17.84-acre lot, in addition to the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

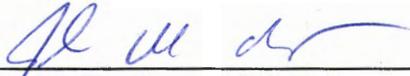
CONCLUSIONS OF LAW

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 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.

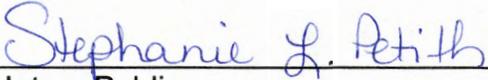
PERMIT issued this 23rd day
of January, 2025.

ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 23rd day of January in the year 2025, 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 L. Petith
Notary Public, State of New York
Reg No 01PE6279890
Qualified in Franklin County
Commission Expires April 15 2025

