

THIS IS A TWO-SIDED DOCUMENT

 <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>2024-0096</b></p>
<p>In the Matter of the Application of</p> <p><b>BRIAN BOURGEOIS WENDY BOURGEOIS</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: March 6, 2025</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s):</p> <ol style="list-style-type: none"><li><b>1. Brian Bourgeois</b></li><li><b>2. Wendy Bourgeois</b></li></ol>

**SUMMARY AND AUTHORIZATION**

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

This authorization shall expire unless recorded in the Essex 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 Agency will consider the project in existence when the permit has been recorded.

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 20.2±-acre parcel of land located on Mace Chasm Road in the Town of Chesterfield, Essex County, in an area classified Resource Management and Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 4.1, Block 1, Parcel 19.100, and is described in the following deeds:

- A deed from Brian C. Bourgeois to Brian Christopher Bourgeois and Wendy Bourgeois, dated December 16, 2021, and recorded December 29, 2021 in the Essex County Clerk's Office under Instrument Number 2021-6846; and
- A deed from AuSable Valley Central School District to Brian Bourgeois and Wendy Bourgeois, dated November 13, 2024, and recorded November 20, 2024 in the Essex County Clerk's Office under Instrument Number 2024-4025.

As of the May 22, 1973, enactment date of the Adirondack Park Land Use and Development Plan, the project site constituted a portion of a larger property that contains wetlands. The project was created by a subdivision that involved wetlands from this larger property in 2015. No permit was obtained from the Agency prior to this subdivision. By issuance of this permit, the project site shall be recognized as lawful for Agency purposes.

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

The portion of the project site located west of Mud Brook is classified as Moderate Intensity Use. The portion of the project site located east of Mud Brook is classified as Resource Management. The project site is improved by a pre-existing single family dwelling and pre-existing schoolhouse structure, both located in the Resource Management portion of the project site.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision creating:

- A 1.2±-acre lot in an area classified Resource Management improved by a pre-existing schoolhouse structure (Lot 1), and
- A 19±-acre lot in an area classified Resource Management (3± acres) and Moderate Intensity Use (16± acres) improved by a pre-existing single family dwelling with related development (Lot 2).

The project is shown on a map titled "Survey Map Showing Subdivision of Certain Lands of Brian Christopher Bourgeois & Wendy Bourgeois," prepared by Gregg M. Pawlowski, L.S., and dated April 5, 2023 (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.

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 in a Resource Management land use 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 Essex 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 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 2024-0096, issued March 6, 2025, 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, including subdivision along the Moderate Intensity Use/Resource Management land use area boundary, shall require a new or amended permit.
6. The undertaking of any new land use or development on Lot 1 outside of the existing footprint of the pre-existing schoolhouse structure shall require prior written Agency authorization.
7. The construction of any dwelling or other principal building on the Moderate Intensity Use portion of Lot 2 shall require prior written Agency authorization.

- 8. The undertaking of any activity involving wetlands on the project site shall require a new or amended permit.
- 9. Installation of any on-site wastewater treatment system on Lot 1 or the Moderate Intensity Use portion of Lot 2 shall require prior written Agency authorization.

**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 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 Chesterfield;
- 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 6<sup>th</sup> day of March, 2025.

ADIRONDACK PARK AGENCY

BY: Ariel Lynch  
Ariel Lynch  
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 6<sup>th</sup> day of March in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Ariel Lynch, 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

Stephanie L. Petith  
Notary Public

