

THIS IS A TWO-SIDED DOCUMENT

 <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 2024-0176</p>
<p>In the Matter of the Application of KATHERINE A. FEIDEN AND JOEL D. BENOIT Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: March 19, 2025</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. Katherine A. Feiden 2. Joel D. Benoit</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Minerva, 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 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 Essex County Clerk's Office. The Agency will consider the project in existence when an authorized lot has been conveyed.

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 an 83.7-acre parcel of land located on Northwoods Club Road in the Town of Minerva, Essex County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 154, Block 1, Parcel 27, and is described in a deed from Mildred Lynch to John J. Feiden and Katherine A. Feiden, dated August 24, 1966, and recorded August 31, 1966 in the Essex County Clerk's Office at Book 446, Page 566.

The project site contains wetlands associated with two streams south of Northwoods Club Road. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site is improved by a pre-existing single-family dwelling including existing wastewater and water supply.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the 83.7-acre project site to create a 21.92-acre vacant parcel (Lot 1) and a 61.78-acre parcel (Lot 2) improved by the pre-existing single family dwelling. An accessory barn is proposed to be constructed on Lot 1. Lot 1 will be deed-restricted to limit additional development.

The project is shown on a map entitled "Map of A Survey Made For Joel Benoit," dated May 7, 2024 and hand annotated by Joel Benoit and dated February 18, 2025 (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.

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 2024-0176, issued 2024-0176, 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 of the project site not depicted on the Site Plan shall require a new or amended permit.
6. Any deed of conveyance for Lot 1 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.
7. Subject to the conditions stated herein, this permit authorizes the construction of an accessory barn on Lot 1 in the location, footprint, and height shown on the Site Plan. Any change to the location or dimensions of the authorized structure shall require prior written Agency authorization.
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 also require a new or amended permit.
9. There shall be no on-site wastewater treatment system located on Lot 1.
10. 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.
11. Any new free-standing or building-mounted outdoor lights associated with the accessory use barn shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Northwoods Club Road or adjoining property.
12. 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 or disturbed on the project site without prior written Agency authorization, except for the removal of 1) trees for firewood, 2) an area up to 20 feet in width for driveway construction and utility installations, and 3) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

13. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.
14. There shall be no principal buildings located on Lot 1.
15. There shall be no more than 25 principal buildings located on Lot 2, 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/single family dwelling 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 Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low 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 19th day of March, 2025.

ADIRONDACK PARK AGENCY

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

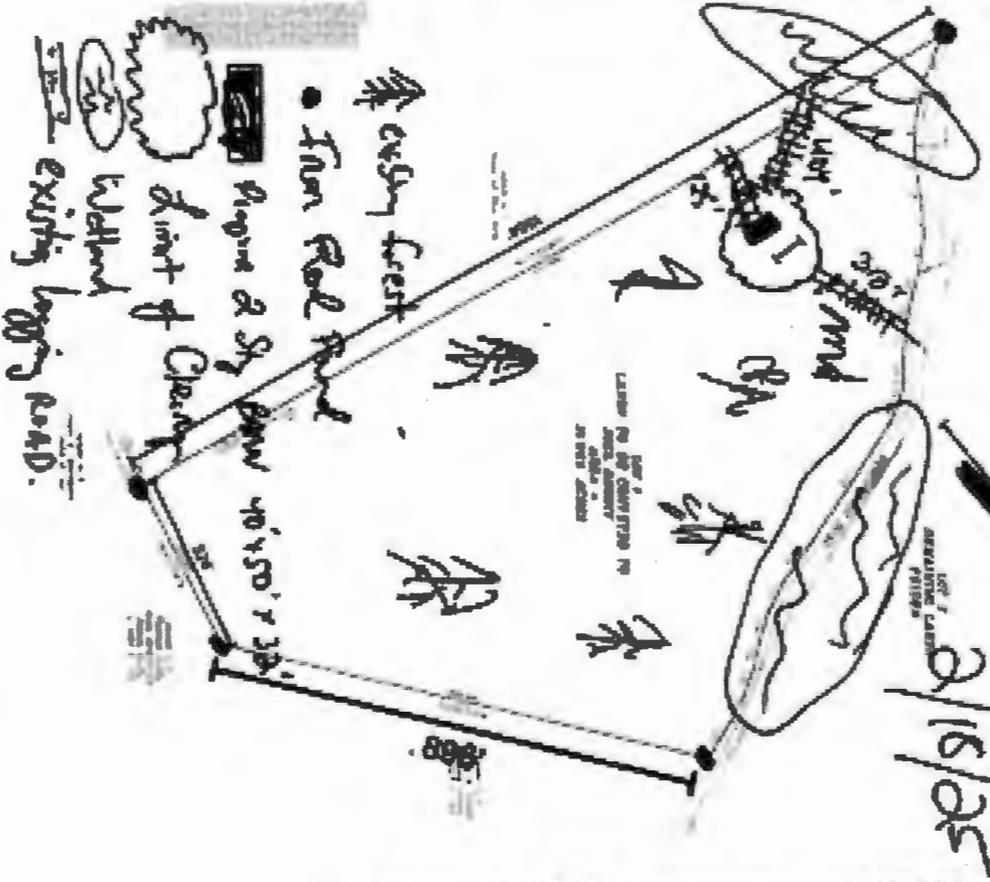
STATE OF NEW YORK
COUNTY OF ESSEX

On the 19th day of March 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.

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

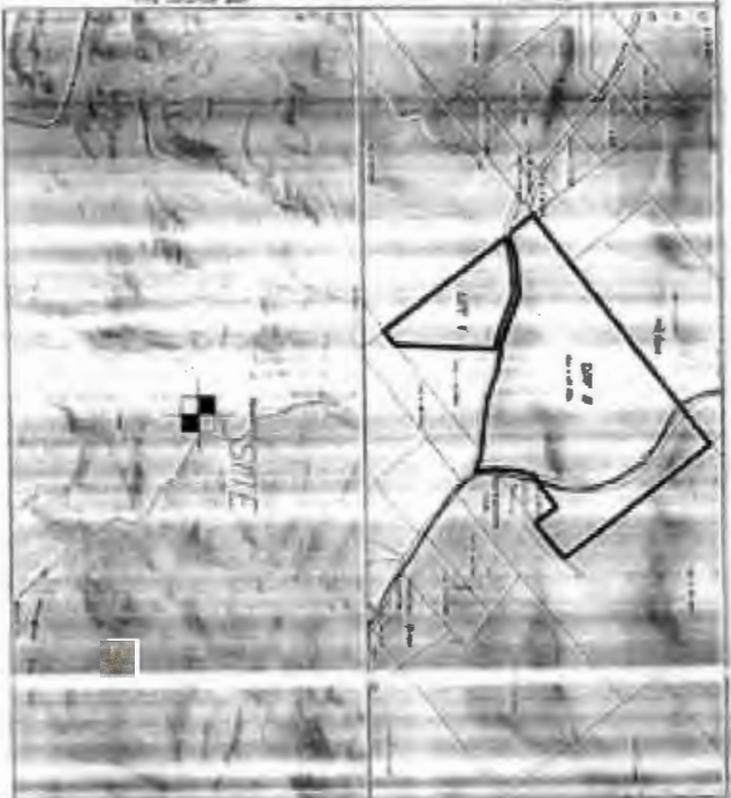
[Signature]
Notary Public

STANLITE OPEN Drawn by G.H.O.A. 2/15/25



LEGEND

Symbol	Description



Adirondack Park Agency
 FINAL
 P2024-0176

JOEL BENNETT

ADIRONDACK PARK AGENCY

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