

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>2025-0034</b></p>
<p>In the Matter of the Application of</p> <p><b>CHARLES G. DRAPER and LINDA E. DRAPER</b> <b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: March 26, 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. Charles G. Draper</b></li><li><b>2. Linda E. Draper</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes the construction of a single family dwelling in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of North Elba, 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. 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 6.59±-acre parcel of land located on Cascade Road (NYS Route 73) in the Town of North Elba, Essex 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 52.3, Block 1, Parcel 9.200, and is described in a deed from Carol C. Burnham a/k/a Carol L. Burnham to Charles G. Draper and Leah E. Draper, dated October 14, 2025, and recorded November 11, 2016 in the Essex County Clerk's Office at Book 1854, Page 105.

The project site is located within a designated Wilderness critical environmental area. The project site is also partially located within a Rural Use highway critical environmental area.

The project site is improved by one barn constructed in 2005.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of a 3,818±-square-foot single family dwelling and associated on-site wastewater treatment system.

The project site constituted a portion of a larger property on the May 22, 1973, enactment date of the Adirondack Park Land Use and Development Plan, and was created by subdivision from this larger property in 2007 as authorized by Agency Permit 2007-54. Agency records indicate that Agency Permit 2007-54 was not undertaken within the required time frame. By issuance of this permit, the project site shall be recognized as lawful for Agency purposes.

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

- A one-sheet plan titled "Proposed Site Plan For Charles G. & Leah Draper," prepared by Leifheit & Littlefield Land Surveying, and dated October 14, 2024 (Site Plan Map);
- A two-sheet plan, un-titled, prepared by Wiley Lavigne, P.E., and dated October 1, 2024 (Onsite Wastewater Treatment System Plan); and
- A 23-page report titled "4624 Cascade Road, Charles and Leah Draper", no preparer indicated, and dated September 26, 2024 (Onsite Wastewater Treatment System Report).

A reduced-scale copy of the Site Plan Map the project is attached as a part of this permit for reference.

### **AGENCY JURISDICTION**

Pursuant to Section 809(2)(a) of Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any new land use and development on Rural Use lands within one-eighth mile of a Wilderness 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 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 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 2025-0034, issued March 26, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. Any deed of conveyance for Tax Map Parcel 52.3-1-9.100 shall contain an easement providing access to the project site over the existing gravel drive as shown and on the Site Plan Map.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on the project site in the location shown on the Site Plan.  
  
The single family dwelling shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The single family dwelling shall be less than 3,850 square feet in footprint. Any expansion beyond these dimensions shall require prior written Agency authorization.
7. The undertaking of any new land use or development not authorized herein on the project site within one-eighth mile of the Sentinel Range Wilderness Area shall require a new or amended permit.
8. The undertaking of any new land use or development not authorized herein on the project site within 150 feet of the right of way of Cascade Road (NYS Route 73) shall require a new or amended permit.
9. Construction of any guest cottage on the project site shall require prior written Agency approval.

10. 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.

11. 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.
12. 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 Cascade Road (NYS Route 73) or adjoining property.
13. All exterior building materials, including roof, siding and trim, of the dwelling shall be a dark shade of green, grey, or brown.
14. Within the vegetated buffer areas depicted on the Site Plan, no trees, shrubs, or other woody stemmed vegetation may be cut or otherwise removed on the project site 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, 2) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
15. There shall be no more than one principal building located on the project site at any time. The single family dwelling authorized herein constitutes a principal building.

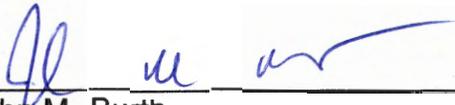
**CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act 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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- 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.

PERMIT issued this 26<sup>th</sup> day of March, 2025.

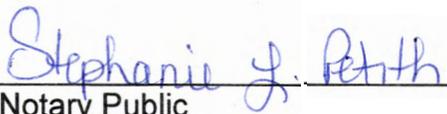
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 26<sup>th</sup> 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

  
Notary Public



Map completed on January 22, 2025  
Site plan survey completed on October 14, 2024  
Boundary survey completed July 27, 2018

This survey was performed without the benefit of a corner advance of title and might be subject to facts therein.  
It is a violation of the State Education Law for any person, unless acting under the direction of a licensed land surveyor, to alter in any way:  
Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.  
Only boundary survey maps with the surveyor's embossed seal are genuine. Use and correct copies of the surveyor's original work and opinion.  
Reproduction or copying of this document may be a violation of copyright law, unless permission of the author and/or copyright holder is obtained.  
A copy of this document without a proper application of the surveyor's embossed seal should be deemed to be an unauthorized copy.  
Only title surveys bearing the embossed seal should be relied upon since other than embossed seal copies may contain unauthorized and undesirable modifications, deletions, additions, and changes.  
Copyright 2025 Leitch and Littlefield Land Surveying All Rights Reserved



~ CHARLES G. & LEAH DRAPER ~

LOT 133 - TOWNSHIP 12  
OLD MILITARY TRACT - THORNS SURVEY  
TOWNSHIP 12  
COUNTY OF ESSEX  
STATE OF NEW YORK

Shaded in

SHOWING A PROPOSED SITE PLAN  
FOR



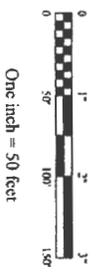
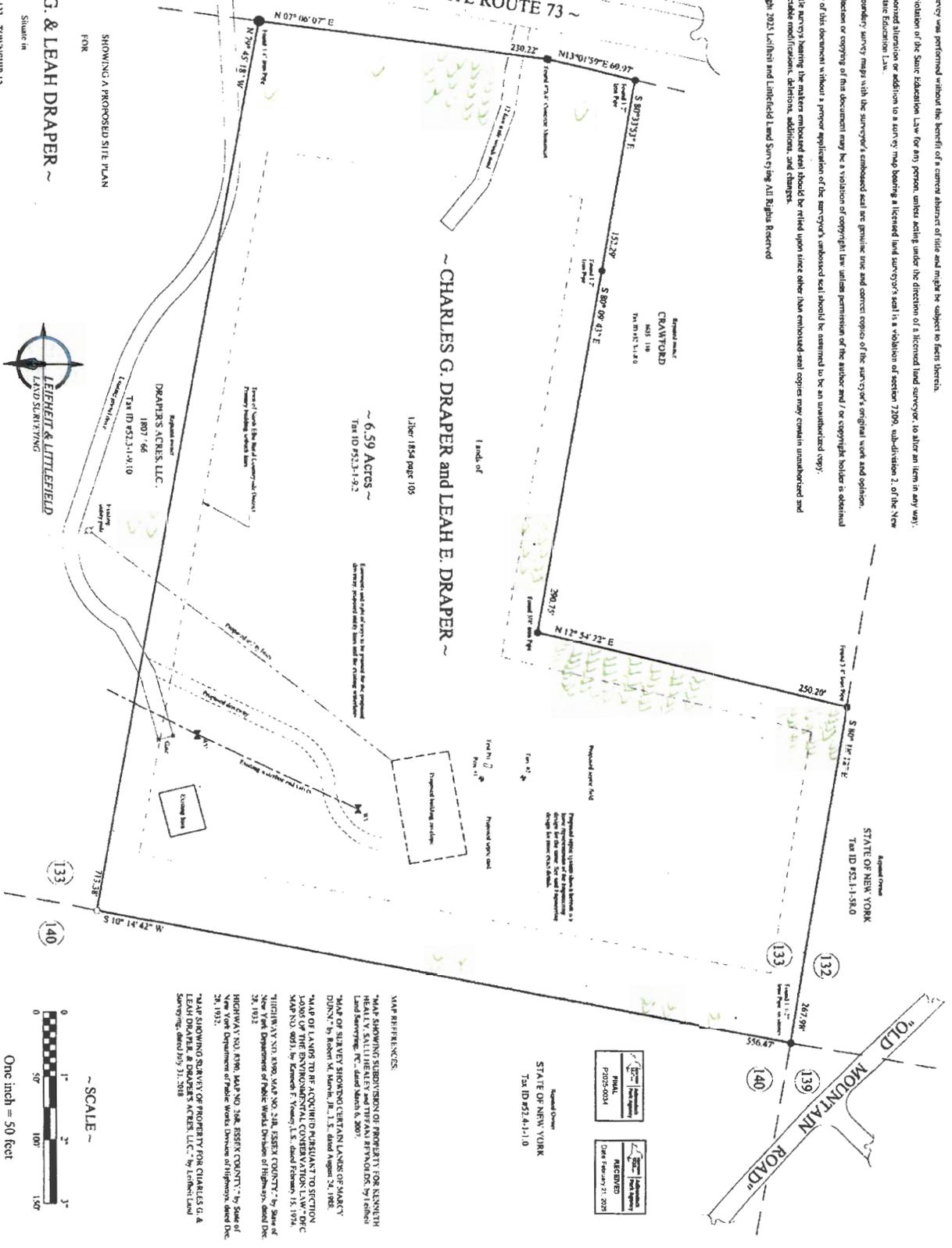
4301 NYS Route 16, Box 1304  
Essex, New York 13124  
Phone: 518-237-2476  
Office: 518-584-1312  
www.leitchandlittlefield.com  
Section 19 of the Real Property Law, Chapter 11, Section 11-1.1  
Section 19 of the Real Property Law, Chapter 11, Section 11-1.1

~ NEW YORK STATE ROUTE 73 ~

~ CHARLES G. DRAPER and LEAH E. DRAPER ~

1.68 ± ACRES  
Parcel 105

6.59 ACRES  
Parcel 106



One inch = 50 feet

~ SCALE ~

STATE OF NEW YORK  
Tax ID # 921-1-10

Map Information  
DATE: 2025-01-22  
PROJECT: 2025-0014  
DATE RECEIVED: 2025-01-27

MAP REFERENCES:  
MAP SHOWING SUBDIVISION OF PROPERTY FOR RICHARD HEALY, SKULL HEALY and TIFANI AFRONDO, by Leitch and Littlefield, Inc., dated March 6, 2007.  
MAP OF QUARRY SHOWING CERTAIN LANDS OF MARY DUNN, by Robert M. Moore, Jr., J.S., dated August 24, 1985.  
MAP OF LANDS TO BE ACQUIRED PURSUANT TO SECTION 130-A OF THE REAL PROPERTY LAW, by Leitch and Littlefield, Inc., dated February 15, 1974.  
MAP NO. 8051, by Kenneth F. Wilson, J.S., dated February 15, 1974.  
MAP SHOWING SURVEY OF PROPERTY FOR CHARLES G. & LEAH E. DRAPER, by Leitch and Littlefield, Inc., dated July 27, 2018.

LL-ESX-10-24