

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 2024-0289</p>
<p>In the Matter of the Application of</p> <p>HALEY'S MOTEL, INC. and JON SCOTT WILLOUGHBY Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: April 17, 2025</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following name(s):</p> <p>1. Haley's Motel, Inc.</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a five-lot subdivision and construction of one new single family dwelling on each lot in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Johnsburg, 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 42.77±-acre parcel of land located on both sides of Cleveland Road in the Town of Johnsbury, Warren 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 164, Block 1, as Parcel 15.2, and is described in a deed from Jonathan T. Matlack and Diana D. Matlack, as Trustees of the Matlack Living Trust Dated April 11, 2013, to Haley's Motel, Inc., dated August 27, 2021, and recorded September 24, 2021 in the Warren County Clerk's Office under Instrument Number 2021-7985 in Book 6453 at Page 172.

The project site contains wetlands associated with Mill Creek, which bisects the project site. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site was created as "Lot 1" in a two-lot subdivision as authorized by Agency Permit 2023-0184.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a five-lot subdivision and construction of one new single family dwelling on each lot with an on-site water supply and on-site wastewater treatment system. Access to each lot will be across a new gravel access drive from Cleveland Road. The proposed lots are: Lot 1, an 11.41±-acre parcel, Lot 2, a 6.54±-acre parcel; Lot 3, a 14.42±-acre parcel; Lot 4, a 5.37±-acre parcel; and Lot 5, a 5.02±-acre parcel.

The five-lot subdivision and development on lots 2, 3, 4, and 5 are shown on an eight-page set of plans (2024 Project Plans) titled "Subdivision of Lands of Haley's Motel, Inc", prepared by EDP – Environmental Design Partnership, LLP, last dated December 13, 2024, and received by the Agency on December 16, 2024.

Development on Lot 1 is shown on two pages of plans (2023 Project Plans) titled "Subdivision of Lands of Haley's Motel, Inc." prepared by EDP – Environmental Design Partnership, LLP, last dated November 3, 2023, and received by the Agency November 8, 2023: Sheet 3 "Lot 1 Site Plan" and Sheet 4 "Site Details".

Reduced-scale copies of Sheet 1 "Preliminary Subdivision Plan," Sheet 2 "Lot 2 Development Plans," and Sheet 3 "Lot 3, 4, and 5 Development Plans" of the 2024 Project Plans are 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 of Rural Use lands that results in the creation of a non-shoreline lot smaller than 7.35 acres in size 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, the 2024 Project Plans, and the 2023 Project Plans 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 2023-0184 in relation to the project site. The terms and conditions of Permit 2023-0184 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 2024-0289, issued April 17, 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 five-lot subdivision as depicted on Sheet 1 "Preliminary Subdivision Map" of the 2024 Project Plans. Any subdivision of the project site not depicted on the 2024 Project Plans shall require prior written Agency authorization.
7. Subject to the conditions stated herein, this permit authorizes the construction of one new three-bedroom single family dwelling on each of Lots 1 through 5 in the location and footprint shown on the 2024 Project Plans and 2023 Project Plans. The dwelling shall not exceed 32 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. Any change to the location or dimensions of the authorized structure shall require prior written Agency authorization.
8. The construction of any additional dwelling or other principal building on the project site shall require prior written Agency authorization. The construction of any additional accessory structure on the project site outside of the "limits of clearing and grading" shown on the 2024 Project Plans and outside of the "proposed limits of clearing" shown on the 2023 Project Plans shall require prior written Agency authorization.

9. Construction of any guest cottage on the the project site shall require prior written Agency approval.
10. Any on-site wastewater treatment system 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 2024 Project Plans or 2023 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. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan shown on the 2024 Project Plans and 2023 Project Plans.
12. 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.
13. Any new free-standing or building-mounted outdoor lights on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Cleveland Road or adjoining property.
14. All exterior building materials, including roof, siding and trim, of the authorized dwelling or any new accessory structure on the project site shall be a dark shade of green, grey, or brown.
15. Outside of the “proposed limits of clearing and grading” shown on the 2024 Project Plans and outside of the “proposed limits of clearing” shown on the 2023 Project Plans, no trees, shrubs or other woody-stemmed vegetation 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 trees for firewood, and dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
16. The undertaking of any activity involving wetlands shall require a new or amended permit.

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 and single family dwelling 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 Johnsbury;
- 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 17th day
of April, 2025.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 17th day of April 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, 2029

Stephanie L. Petith
Notary Public



SITE LOCATION MAP
SCALE: 1" = 2,000'

- SURVEY NOTES:**
- 1) Survey conducted pursuant to New York State Law.
 - 2) All bearings and distances are given in feet and decimal fractions thereof.
 - 3) All bearings are given in degrees, minutes and seconds.
 - 4) All distances are given in feet and decimal fractions thereof.
 - 5) All corners are marked with iron or steel nails.

- DEED REFERENCES:**
- 1) Deed Reference: (County of Warren) to the State of New York, dated 10/15/1914, recorded in the County of Warren, New York, in Volume 118, Page 118.
 - 2) Deed Reference: (County of Warren) to the State of New York, dated 10/15/1914, recorded in the County of Warren, New York, in Volume 118, Page 118.

- MAP REFERENCES:**
- 1) Map Reference: (County of Warren) to the State of New York, dated 10/15/1914, recorded in the County of Warren, New York, in Volume 118, Page 118.
 - 2) Map Reference: (County of Warren) to the State of New York, dated 10/15/1914, recorded in the County of Warren, New York, in Volume 118, Page 118.

SITE STATISTICS:

ZONING: UNRESIDENTIAL MEDIUM DENSITY (U-2)

APPLICABLE ZONING: UNRESIDENTIAL MEDIUM DENSITY (U-2)

EXISTING LOT AREA: 42,278 SQ. FT.

PROPOSED LOT AREA: 5,072 SQ. FT. (MINIMUM)

ALLOWABLE DENSITY: 1.5 UNITS PER ACRE

PROPOSED USE: SINGLE-FAMILY RESIDENCE

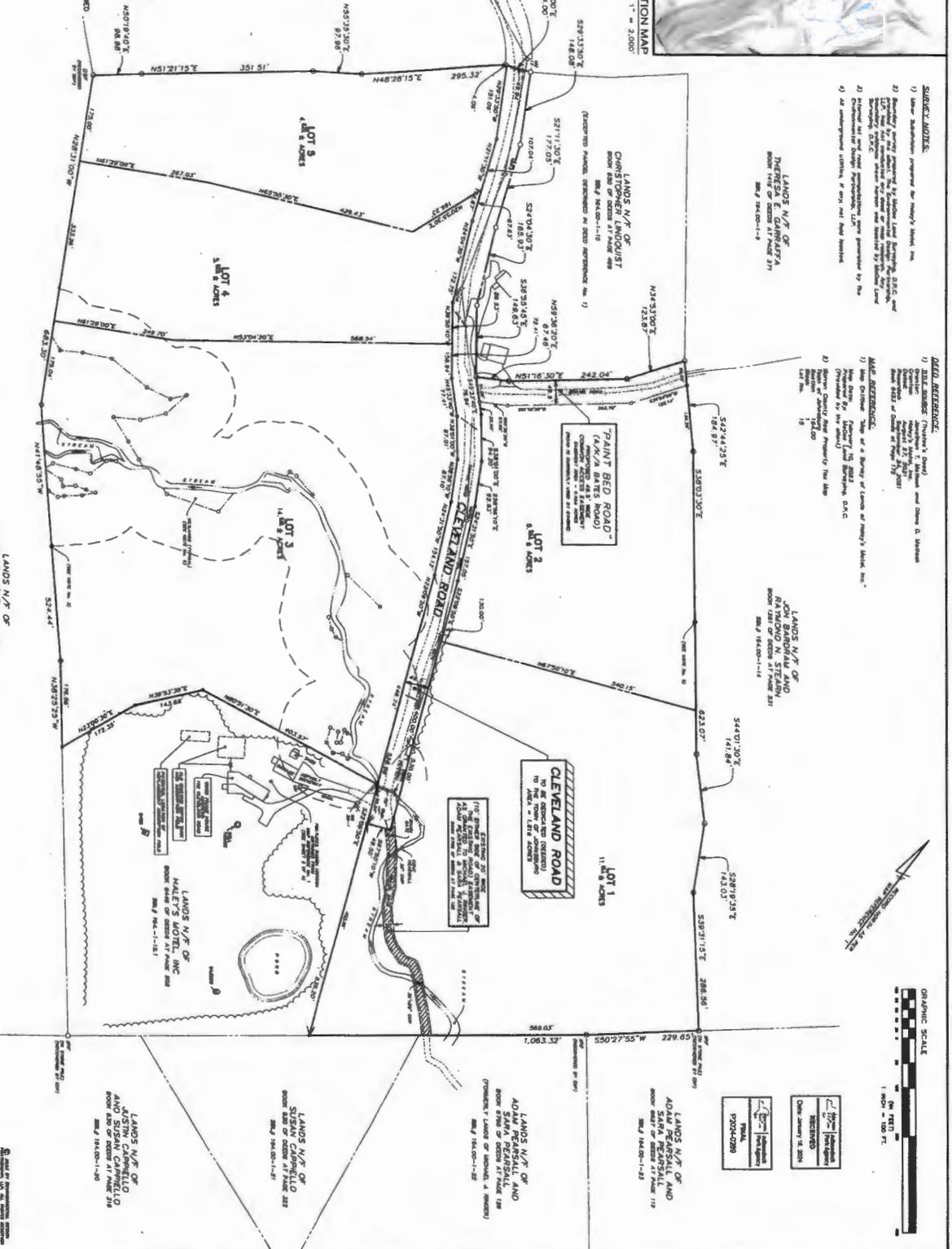
PROPOSED LOT AREA: 5,072 SQ. FT. (MINIMUM)

REQUIREMENTS:

- FRONT: 40 FT.
- REAR: 20 FT.
- SIDE: 10 FT.
- HEIGHT: 35 FT. MAX.

ON-SITE DRAINAGE SYSTEMS:

ON-SITE WASTEWATER SYSTEMS:



APPROVED FOR CONSTRUCTION

DATE: 10/15/2024

PROJECT: SUBDIVISION OF LANDS OF HALEY'S MOTEL, INC.

FOR MUNICIPAL APPROVAL ONLY - NOT INTENDED FOR CONSTRUCTION

<p>1 of 8</p>	<p>PRELIMINARY SUBDIVISION MAP</p>	<p>SCALE: 1" = 100'</p>	<p>NOT FOR CONSTRUCTION</p>	<p>SUBDIVISION OF LANDS OF HALEY'S MOTEL, INC.</p>	<p>LOCATED AT 173 CLEVELAND ROAD TOWN OF JOHNSBURG WARREN COUNTY, NEW YORK</p>	<p>DATE: 10/15/2024</p>	<p>PROJECT ID: 164.-1-15.2</p>	<p>ENVIRONMENTAL DESIGN PARTNERSHIP, L.P.</p>

