

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>2024-0343</b></p>
<p>In the Matter of the Application of</p> <p><b>MARIE VAN ALLEN, IRA VAN NOSTRAND TIMOTHY W. HAYES, THOMAS N. HAYES</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: April 9, 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. Marie Van Allen</b></li><li><b>2. Ira Van Nostrand</b></li><li><b>3. Timothy W. Hayes</b></li><li><b>4. Thomas N. Hayes</b></li></ol>

**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 Mayfield, Fulton County.

This authorization shall expire unless recorded in the Fulton 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 Fulton 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 14.806-acre parcel of land located on Jackson Summit Road West in the Town of Mayfield, Fulton 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 87, Block 2, Parcel 62, and is described in a deed from Timothy W. Hayes to Timothy W. Hayes and Thomas N. Hayes, dated August 27, 2023, and recorded August 28, 2023 in the Fulton County Clerk's Office under Instrument Number 2023-82498.

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

## **PROJECT DESCRIPTION**

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

- "Lot 1": a 12.996-acre parcel improved by a circa 1905 single family dwelling with associated on-site wastewater treatment system and related development; and
- "Lot 2": a 2.010-acre parcel for the construction of a single family dwelling to be served by an existing on-site wastewater treatment system associated with a previously undertaken mobile home installation.

The project is shown on a map titled "Survey Map of Lands of Douglas J. Hayes, Jr. (Life Use) c/o Timothy W. Hayes", prepared by Ferguson & Foss Professional Land Surveyors, PC, and dated last revised March 25, 2025 (Site Plan). A reduced-scale copy of the Site Plan 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 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 Fulton 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 2024-0343, issued April 9, 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 of the project site not depicted on the Site Plan shall require prior written Agency authorization.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on Lot 2 in the location and footprint shown and as described on the Site Plan. The single family dwelling shall be no more than 15 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 any authorized structure shall require prior written Agency authorization.
7. The undertaking of any activity involving wetlands shall require a new or amended permit.
8. The construction of any additional dwelling or other principal building on Lot 1 shall require prior written Agency authorization.
9. Construction of any guest cottage on the project site shall require prior written Agency authorization.
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.
11. Any new free-standing or building-mounted outdoor lights on Lot 2 shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Jackson Summit Road W or adjoining property.
12. Within 75 feet of the centerline of Jackson Summit Road West, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on Lot 2 without prior written Agency

authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

13. There shall be no more than one principal building located on Lot 1, 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.
14. There shall be no more than one principal building located on Lot 2 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, the Freshwater Wetlands Act, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision and construction of a 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;
- 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 9th day of April, 2025.

ADIRONDACK PARK AGENCY

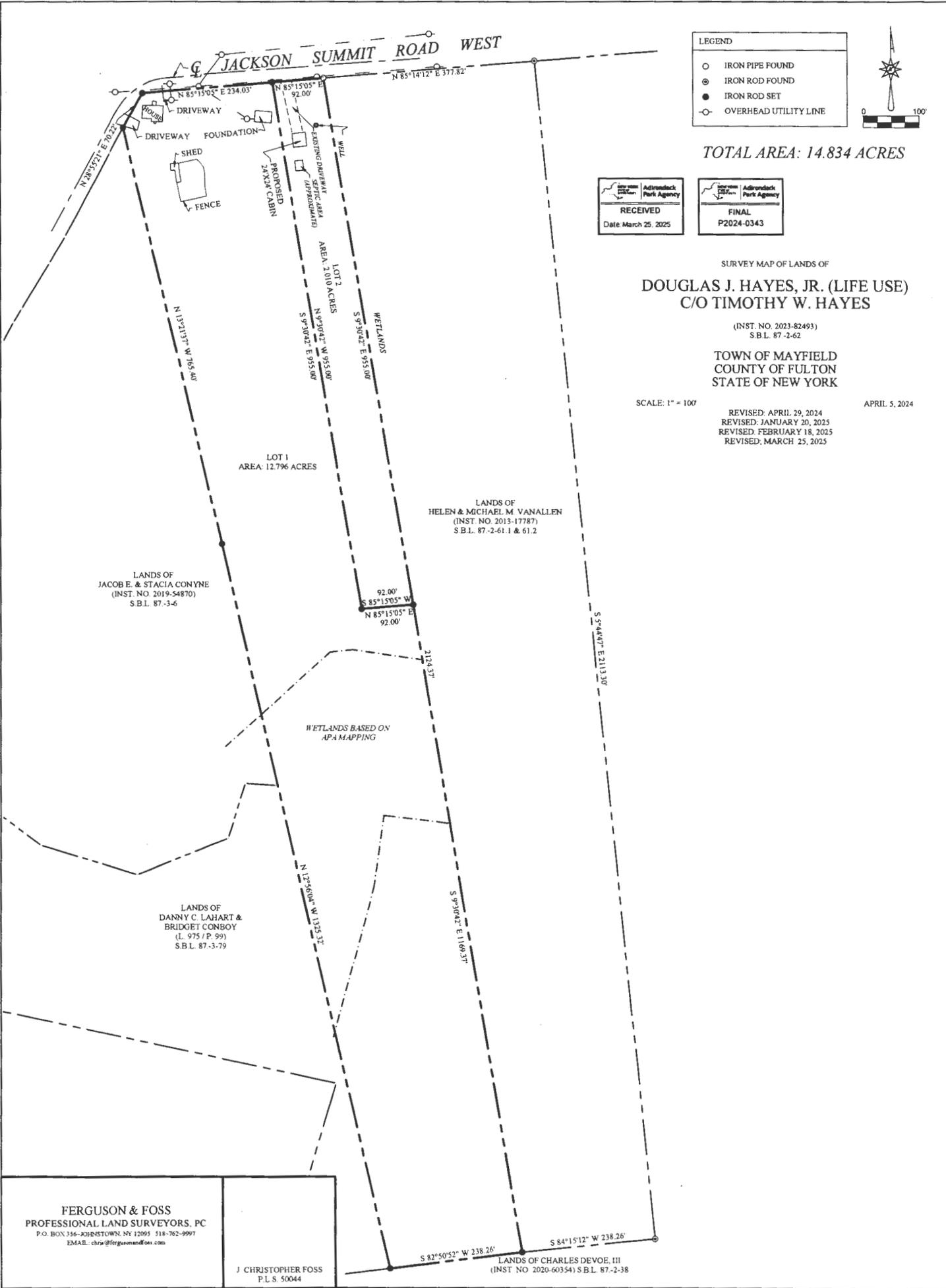
BY: [Signature]  
John M. Burth  
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

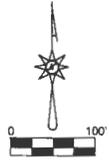
On the 9th day of April in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged 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.

[Signature]  
Notary Public

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



LEGEND	
○	IRON PIPE FOUND
⊙	IRON ROD FOUND
●	IRON ROD SET
—○—	OVERHEAD UTILITY LINE



TOTAL AREA: 14.834 ACRES

RECEIVED  
Date March 25, 2025

FINAL  
P2024-0343

SURVEY MAP OF LANDS OF  
**DOUGLAS J. HAYES, JR. (LIFE USE)**  
**C/O TIMOTHY W. HAYES**

(INST. NO. 2021-82493)  
S.B.L. 87-2-62

TOWN OF MAYFIELD  
COUNTY OF FULTON  
STATE OF NEW YORK

SCALE: 1" = 100'

APRIL 5, 2024

REVISED: APRIL 29, 2024  
REVISED: JANUARY 20, 2025  
REVISED: FEBRUARY 18, 2025  
REVISED: MARCH 25, 2025

LANDS OF  
HELEN & MICHAEL M. VANALLEN  
(INST. NO. 2013-17787)  
S.B.L. 87-2-61.1 & 61.2

LANDS OF  
JACOB E. & STACIA CONYNE  
(INST. NO. 2019-54870)  
S.B.L. 87-3-6

LANDS OF  
DANNY C. LAHART &  
BRIDGET CONBOY  
(L. 975 / P. 99)  
S.B.L. 87-3-79

LANDS OF CHARLES DEVOE, III  
(INST. NO. 2020-60354) S.B.L. 87-2-38

<p><b>FERGUSON &amp; FOSS</b> PROFESSIONAL LAND SURVEYORS, P.C. P.O. BOX 356-KOENIGSTOWN, NY 12093 518-762-9997 EMAIL: chris@fergusonandfoss.com</p>	<p>J CHRISTOPHER FOSS P.L.S. 50044</p>
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