

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 2025-0035</p>
<p>In the Matter of the Application of</p> <p>ESSEX COUNTY AND TOWN OF ELIZABETHTOWN 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> <ol style="list-style-type: none">1. Essex County2. Town of Elizabethtown

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and the construction of a water chlorination and control building in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Elizabethtown, 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 6.0-acre parcel of land located on Water Street and Foot Bridge Lane in the Town of Elizabethtown, Essex County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 55.75, Block 3, Parcel 24, and is described in a deed from United States of America to Essex County, dated December 21, 1998 and recorded December 28, 1998 in the Essex County Clerk's Office under Book 1198 Page 125. It is also described in a deed from County of Essex to Town of Elizabethtown, dated February 13, 2025, and recorded February 14, 2025 in the Essex County Clerk's Office under Instrument Number 2025-544.

The project site contains shoreline on The Branch, a tributary to the Bouquet River, and contains wetlands associated with the stream. 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 located within five miles of a northern long-eared bat hibernaculum.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the 6.0-acre project site to create a 1.74-acre lot to be improved by a water chlorination/control building (Town Lot) and a 4.26-acre lot improved by the Essex County Health Department building (County Lot).

The project is shown on the following maps:

- A one-page map entitled "Subdivision and Topographic Survey Map of a Portion of the Lands of the County of Essex", prepared by Aubertine and Currier, PLLC and dated November 21, 2021 (Subdivision Plan).
- A one-page map entitled "Site Plan-Chlorination/Control Building NO. 1", prepared by Dodson & Associate, PLLC and dated June 2023 (Site Plan).

A reduced-scale copy of the Subdivision 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, Subdivision Plan 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 2025-0035, issued April 17, 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 Subdivision Plan. Any subdivision of the project site not depicted on the Subdivision Plan shall require a new or amended permit.
6. Subject to the conditions stated herein, this permit authorizes the construction of a water chlorination/control building and access driveway on the Town Lot in the location and footprint shown on the Site Plan. Any change to the location or dimensions of the authorized structure shall require prior written Agency authorization.
7. The undertaking of any new land use or development not authorized herein on the Town Lot shall require prior written Agency authorization. Except as authorized herein, the undertaking of any activity involving wetlands shall require a new or amended permit.
8. No structures greater than 100 square feet in size shall be constructed within 50 feet, measured horizontally, of the mean high water mark of The Branch.
9. Installation of any on-site wastewater treatment system on the Town Lot shall require prior written Agency approval.
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 associated with the authorized development shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward The Branch or adjoining property.

12. Greater than 50 feet from the authorized building, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the Town Lot without prior written Agency authorization, except for, a) within an area up to 20 feet in width for driveway construction and utility installations, and b) 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.

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 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 Hamlet land use area;
- c. will be consistent with the overall intensity guidelines for the Hamlet 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 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

