


STAFF DRAFT MAY 4, 2016 – NOT APPROVED BY AGENCY

THIS PERMIT RENEWS PERMIT 2008-60R ISSUED JUNE 8, 2012
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 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Project Permit 2008-60R2</p> <p>Date Issued:</p>
<p>In the Matter of the Application of</p> <p>ROBERT P. ECKERT and SHEILA DELARM-ECKERT</p> <p>for a permit pursuant to § 809 of the Adirondack Park Act</p>	<p>To the County Clerk: This permit must be recorded on or before _____. Please index this permit in the grantor index under the following names:</p> <p>1. Robert P. Eckert 2. Sheila Delarm-Eckert</p>

SUMMARY AND AUTHORIZATION

Robert P. Eckert and Sheila Delarm-Eckert are granted a second renewed permit, on conditions, for construction of a single family dwelling in an area classified Resource Management by the Official Adirondack Park Land Use and Development Plan Map in the Town of Brighton, Franklin County.

This project may not be undertaken, and no transfer deed shall be recorded, until this renewed permit is recorded in the Franklin County Clerk's Office. This renewed permit shall expire unless so recorded on or before ____[DATE]____ in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.

This renewed permit is void if the project authorized herein is not in existence within four years from the date the permit is recorded. The Agency will consider the project authorized herein in existence when the foundation, framing, and roof of the single family dwelling have been constructed.

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 applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, state, regional or local.

AGENCY JURISDICTION

The project consists of the construction of a single family dwelling in a Resource Management land use area and within 300 feet of the edge of right-of-way of State Route 30, a Class B regional project requiring an Agency permit pursuant to § 810(2)(d)(1) and § 810(2)(d)(9) of the Adirondack Park Agency Act.

PROJECT SITE

The project site is a 1.98±-acre parcel of land located on New York State Route 30 and intersected by Sunny Side Road in the Town of Brighton, Franklin County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. It is identified on Town of Brighton Tax Map Section 334, Block 1 as Parcel 28. The project site is described in a deed from Carol A. Collins, as executrix for Dorothy E. Summers, to Robert P. Eckert, Jr. and Sheila DeLarm Eckert dated November 24, 1993 which was recorded January 19, 1994 in the Franklin County Clerk's Office in Liber 605 of Deeds at Page 208.

PROJECT DESCRIPTION

The project as originally proposed and authorized by Agency Permits 2008-60 and 2008-60R is summarized as follows: construction of a one-story single family dwelling (1,600 square feet maximum), detached garage (800 square feet maximum), gravel driveway and parking area, on-site wastewater treatment system, well, and underground utilities.

The project site is shown on a site sketch map entitled "Eckert 2 Acre Lot Map," drawn by Bob Eckert, and dated May 2, 2008. A notation on the site sketch map indicates that minimal vegetation will be removed in order to maintain the wooded character and screening of the project site; limits of clearing are shown at 10-20± feet outside the proposed development. The dwelling is shown 50± feet south of the northern property line and 185± feet west of State Route 30. The garage is shown 20± feet southeast of the dwelling. A full scale copy of the site sketch map was attached to the original permit. The original site sketch map referenced by the original permit and this permit is the official plan for the project.

The project as originally proposed and authorized has not been undertaken to date. The applicant has requested that the Agency issue a renewed permit to allow the project to be undertaken and completed as originally proposed and authorized. No changes to the project are proposed.

CONDITIONS

BASED UPON THE FINDINGS BELOW AND INFORMATION CONTAINED IN THE PROJECT FILE, THE RENEWED PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. All conditions in Permits 2008-60 and 2008-60R remain in full force and effect.
2. This renewed permit is binding on the applicants, all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this permit and the site sketch map referred to in Permits 2008-60 and 2008-60R shall be furnished by the applicants to all subsequent owners or lessees of the project site prior to sale or lease, and by the applicants and/or any subsequent owner or lessee to all contractor(s) undertaking any construction activities pursuant to the permitted project. 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 2008-60 issued June 16, 2008, Permit 2008-60R issued June 8, 2012, and Permit 2008-60R2 issued ____[DATE]____, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

FINDINGS OF FACT

14. Findings of Fact 1 through 11 are contained in Permit 2008-60, which was issued on June 16, 2008 and recorded on July 23, 2008 in the Franklin County Clerk's Office in Book 23 of APA Permits at Page 208 as Instrument No. 2000369, and are incorporated herein by reference and remain in effect. Findings of Fact 12 and 13 are contained in Permit 2008-60R, which was issued on June 8, 2012 and recorded on June 27, 2012 in the Franklin County Clerk's Office as Instrument No. 2012-3398, and are incorporated herein by reference and remain in effect.
15. Robert P. Eckert and Sheila Delarm-Eckert submitted a letter dated March 7, 2016 (received at the Agency on March 9, 2016) that requested a renewal of Adirondack Park Agency Permit 2008-60R.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval as set forth in § 809(10) of the Adirondack Park Agency Act (Executive Law, Article 27) and 9 NYCRR Part 574. The Agency hereby finds that the project is approvable and complies with the above criteria, provided it is undertaken in compliance with the conditions herein.

PERMIT issued this day
of , 2016.

ADIRONDACK PARK AGENCY

BY: _____
Richard E. Weber, III
Deputy Director, Regulatory Programs

STATE OF NEW YORK)
) ss.:
COUNTY OF ESSEX)

On the day of in the year 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber III, 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.

Notary Public

REW:ADL:mlr