

THIS PERMIT RENEWS PERMIT 2006-133AR ISSUED AUGUST 9, 2013.
THIS IS A TWO-SIDED DOCUMENT.

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99 1133 NYS Route 86 Ray Brook, New York 12977 (518) 891-4050 · Fax: (518)891-3938 www.apa.ny.gov</p>	<p>APA Project Permit 2006-133AR2</p>
<p>In the Matter of the Application of ANTHONY DEPALMA, JR. for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: October 16, 2017</p> <p>To the County Clerk: This permit must be recorded on or before December 15, 2017. Please index this permit in the grantor index under the following names: 1. Anthony DePalma, Jr.</p>

SUMMARY AND AUTHORIZATION

Anthony DePalma, Jr. is granted a second renewal of an amended permit, on conditions, which previously authorized the construction of one new single family dwelling in an area classified Rural Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Johnsbury, Warren County.

This project may not be undertaken, and no transfer deed shall be recorded, until this renewed permit is recorded in the Warren County Clerk's Office. This renewed permit shall expire unless so recorded on or before December 15, 2017 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 upon installation of the foundation of the single family dwelling as described in amended and renewed APA Permit 2006-133AR.

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 originally authorized project consisted of the construction of one new single-family dwelling involving greater than five lots created post-1973, a Class B regional project requiring an Agency permit pursuant to § 810(2)(c)(1) of the Adirondack Park Agency Act.

PROJECT SITE AND PROJECT DESCRIPTION

The project site is a 36.7± acre parcel of land located on Garnet Lake Road in the Town of Johnsbury, Warren County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. It is identified on Town of Johnsbury Tax Map as Section 179, Block 1, Parcel 7. The project site is described in a deed from Richard H. and Agnes P. Waterman to Anthony DePalma Jr. dated November 7, 2006 recorded November 29, 2006 in the Warren County Clerk's Office in Liber 3125 of Deeds at Page 170.

The project as originally proposed and authorized in Agency Permit 2006-133, as amended in Permit 2006-133A, and as renewed in Permit 2006-133AR, has not been undertaken to date. The applicant has requested that the Agency issue a second renewal of the permit to allow the project to be undertaken and completed as originally proposed and authorized. No changes to the project are proposed.

The proposed dwelling is a three story, four-bedroom dwelling (with walkout basement) approximately 800 square feet in footprint. Also included is a detached 800 square foot, single story, two-car garage/workshop. The exterior of the dwelling and garage are to be clad in an earth-toned cedar siding. The proposed development is shown on three plan sheets. The first is a 1" = 30 feet site plan map entitled "Site Plan – DePalma Property" drawn by Jim Hutchins P.E. dated April 23, 2009; last revised April 23, 2009. The plan sheet is stamped "preliminary – not for construction". The second and third plan sheets depict the proposed on-site wastewater treatment system, also prepared by Jim Hutchins. A reduced-scale copy of the site plan is attached as a part of this permit for easy reference. The original, full-scale maps and plans referenced in this permit are the official plans for the project.

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 Permit 2006-AR remain in full force and effect.
2. This renewed permit is binding on the applicant(s), 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 plan map(s) referred to herein shall be furnished by the applicant to all subsequent owners or lessees of the project site prior to sale or lease, and by the applicant 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 2006-133 issued October 25, 2005; Permit 2006-133A issued June 16, 2009; Permit 2006-133AR issued August 9, 2013, and Permit 2006-133AR2 issued October 16, 2017, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Legal Interests of Others

3. This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project or subdivision, nor does it authorize the impairment of any easement, right, title or interest in real or personal property held or vested in any person.

FINDINGS OF FACT

Findings of Fact 1 through 17 are contained in Agency Permit 2006-133 which was issued October 25, 2006 and recorded on October 25, 2006 in the Warren County Clerk's Office in Book 3099 of APA Permits at Page 91 as Instrument #11453. Findings of Fact 18 through 20 are contained in Permit 2006-133A which was issued on June 16, 2009 and recorded on July 7, 2009 in the Warren County Clerk's Office in Book 3816 of APA Permits at Page 275 as Instrument #4979. Findings of Fact 21 and 22 are contained in Agency Permit 2006-133AR which was issued on August 9, 2013 and recorded on September 20, 2013 in the Warren County Clerk's Office in Book 4856 at Page 23 as Instrument # 2013-7860. These findings 1 through 22 are accurate and confirmed through the issuance of this permit.

23. By letter dated June 13, 2017, Anthony DePalma requested a renewal of Adirondack Park Agency Permit 2006-133AR which previously authorized the construction of a single-family dwelling.

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 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.

