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INSTRUMENT #: R-2021-00012176

Total: 75.00

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 Clerk: BABAR
 Rec Date: 09/10/2021 01:10:19 PM
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Party1: ADIRONDACK PARK AGENCY
 Party2: LYNDAKER MICHAEL J
 Town: FINE

Record and Return To:


COMPANY MCARDLE & RANDALL PLLC
 ATTN: KEVIN M MCARDLE ESQ
 7571 S STATE STREET
 PO BOX 331
 LOWVILLE NY 13367

Sandra W. Santamoor

Sandra W. Santamoor
 St Lawrence County Clerk

WARNING***
 ** Information may change during the verification process and may not be reflected on this page.

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 2021-0121</p>
<p>In the Matter of the Application of</p> <p>MICHAEL J. LYNDAKER and SALLY A. LYNDAKER Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: August 10, 2021</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Michael J. Lyndaker 2. Sally A. Lyndaker</p>

SUMMARY AND AUTHORIZATION

This permit authorizes two, two-lot subdivisions in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Fine, St. Lawrence County.

This authorization shall expire unless recorded in the St. Lawrence 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 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 includes tax parcel 202.000-3-3.1 (Parcel 3.1) and tax parcel 202.000-3-4.2 (Parcel 4.2), both located on NYS Route 3 in the Town of Fine, St. Lawrence County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map.

Parcel 3.1 is approximately 130.90 acres, contains land on the north and south side of NYS Route 3, and has additional road frontage on Blue Mountain Lake Road. Parcel 3.1 is described in a deed from Arthur P. Mech to Michael J. Lyndaker and Sally A. Lyndaker, dated May 20, 2016, and recorded May 27, 2016 in the St. Lawrence County Clerk's Office under Instrument Number 2016-00006290.

Parcel 4.2 is approximately 78.6 acres and contains land on the north and south side of NYS Route 3. Parcel 4.2 was created by subdivision as authorized by Agency Permit 97-281 and is described in a deed from Herbert J. Snider, Jr. to Michael J. Lyndaker and Sally A. Lyndaker, dated April 6, 2000, and recorded April 11, 2000 in the St. Lawrence County Clerk's Office under Instrument Number 2000-00006567.

The project site contains shoreline on the Oswegatchie River and is partially located within 150 feet of the right-of-way of NYS Route 3. The project site also contains wetlands north of NYS Route 3 associated with the Oswegatchie River. Additional wetlands not described herein or depicted on the Subdivision Map may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of Parcel 3.1 to separate the lands north of NYS Route 3 (Lot 1A) from the lands south of NYS Route 3 (Lot 1B) and a two-lot subdivision of Parcel 4.2 to separate the lands north of NYS Route 3 (Lot 2A) from the lands south of NYS Route 3 (Lot 2B). No new land use or development is proposed or authorized herein.

The project is shown on an annotated tax map titled "APA Project P2021-0121," received by the Agency July 26, 2021 and attached as a part of this permit for easy reference (Subdivision Map). The original plan described in this paragraph is the official plan for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

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 in a Resource Management land use area 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 Resource Management lands within 150 feet of the edge of the right-of-way of any state highway 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 St. Lawrence 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 Subdivision Map 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 97-281 in relation to Lot 2A and Lot 2B. The terms and conditions of Permit 97-281 shall no longer apply to Lot 2A or Lot 2B.

Deeds

Recordation

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 2021-0121, issued August 10, 2021, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Subdivision

6. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision of Parcel 3.1 and a two-lot subdivision of Parcel 4.2 as depicted on the Subdivision Map. Any subdivision of the project site not depicted on the Subdivision Map shall require a new or amended permit.

Development

7. The undertaking of any new land use or development not authorized herein on Lot 1A, on Lot 2A or within 150 feet of the right-of-way of NYS Route 3 on Lot 1B or Lot 2B shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.

8. The construction of any dwelling or other principal building on the project site shall require a new or amended permit. The construction of any accessory structure on Lot 1A, on Lot 2A or within 150 feet of the right-of-way of NYS Route 3 on Lot 1B or Lot 2B shall require prior written Agency authorization.

Shoreline Structure Setbacks

9. Pursuant to the Adirondack Park Agency Act, new structures greater than 100 square feet in size are prohibited within 100 feet, measured horizontally, of the mean high water mark of the Oswegatchie River. Boathouses and docks, as defined under 9 NYCRR § 570.3, are excepted from this requirement.

Boathouses

10. There shall be no boathouses on Lot 1A or Lot 1B.

Docks

11. There shall be no docks on Lot 1A or Lot 1B.

Tree Cutting/Vegetation Removal

12. Within 100 feet of the edge of right-of-way of NYS Route 3, within 100 feet of wetlands, and within 100 feet of the mean high water mark of the Oswegatchie River, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed on the project site 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.

Density

13. There shall be no more than one principal building located on Lot 1A. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
14. There shall be no more than two principal buildings located on Lot 1B. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
15. There shall be no more than two principal buildings located on Lot 2A. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
16. There shall be no more than two principal buildings located on Lot 1B. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

Wastewater

17. There shall be no on-site wastewater treatment system(s) located 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 Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management 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 10th day
of August, 2021.

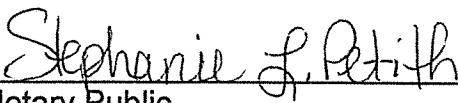
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 10th day of August in the year 2021, 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.

STEPHANIE L. PETITH
Notary Public - State of New York
Qualified in Franklin County
No. 01PE6279890
Commission Expires Apr. 15, 2025


Notary Public

NEW YORK STATE OF OPPORTUNITY
Adirondack Park Agency
FINAL
P2021-0121

NEW YORK STATE OF OPPORTUNITY
Adirondack Park Agency
RECEIVED
Date: July 26, 2021

