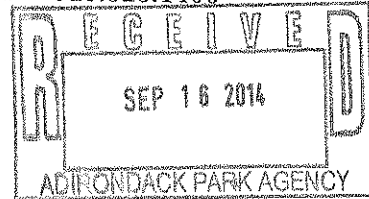


JANET H. BLISS

ATTORNEY AT LAW

12 MORNINGSIDE DRIVE, SUITE 1
LAKE PLACID, NEW YORK 12946
Phone: 518.523.9900
Fax: 518.523.1406



September 16, 2014

Hand Delivered

Adirondack Park Agency
P.O. Box 99
Ray Brook, New York 12977

**Re: Lands Now Owned by Judith March Rosenthal
Loon Lake - Town of Franklin**

Dear Friends:

I represent Judith March Rosenthal, owner of a parcel of land on Loon Lake in the Town of Franklin and being tax map #309.1-1-5.2 and being Lot 2 of the Mensink Subdivision. This property is the subject of prior APA permits #91-34, 91-34A and Enforcement Action E95-202, copies of which are enclosed. Permit 91-34 at Condition 7 prohibits the construction of boathouses on the lots. We are unaware of any reason why boathouses would be prohibited. Ms. Rosenthal desires to construct a modest boathouse on Lot 2, which has a significant amount of shoreline (503 feet).

The proposed location of the boathouse is shown on the enclosed copy of the subdivision map and is located quite a distance from the wetlands on Lot 2. The boathouse will comply with the applicable regulations for boathouses in square footage, height and will have no plumbing. A copy of a boathouse as an example of a possible boathouse but not a definite plan is enclosed.

Please review the matter and advise as to a permit amendment to address a boathouse to be built on Lot 2 of the Mensink subdivision. Ms. Rosenthal joins in this request as evidenced by her signature on the attached page.

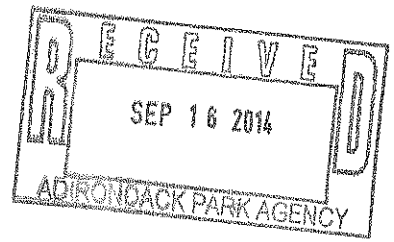
Very truly yours,


Janet H. Bliss, Esq.

JHB/egc
enclosures

cc: Judith March Rosenthal

APA Application



15th August 2014

Date

/

Jilly Rose & her



NEW YORK STATE
Adirondack
parkagency

September 29, 2014

Janet Bliss, Esq.
12 Morningside Drive, Suite 1
Lake Placid, NY 12946

**Re: Pre-application A2014-90
Amendment request Agency Permit 91-34 and 91-34A**

Dear Ms. Bliss:

This letter is in response to your September 16, 2014 letter, requesting on behalf of your clients, an amendment to Agency Permit 91-34 to allow for the construction of a boathouse on Lot 2 of the subdivision authorized by that permit.

The proposed amendment is a material change to the project authorized by Agency Permit 91-34, which conditioned that no boathouses or large docks would be allowed on the subdivision lots. Project Impact Finding 15 of the permit explains that boathouses and large docks are prohibited so as to protect the natural character of the shoreline; and further explains that large shoreline access facilities could result in adverse impacts to the loons and to shoreline aesthetics.

As a material amendment, the request will be treated as a new application. Enclosed is the appropriate application form; if the boathouse will be an accessory structure to the existing single family dwelling on Lot 2, then the (minor project) single family dwelling application form is appropriate. Please be aware the application forms must be signed by all owners of record and persons/entities having a legal interest in the project site. The information already submitted to the Agency has been assigned to Environmental Program Specialist Milt Adams as pre-application file A2014-90. Please feel free to contact Mr. Adams if you have any questions or would like to schedule a site visit.

Further information regarding the processing of amendments can be found in Agency Regulations Part 572. Thank you for your attention to these matters.

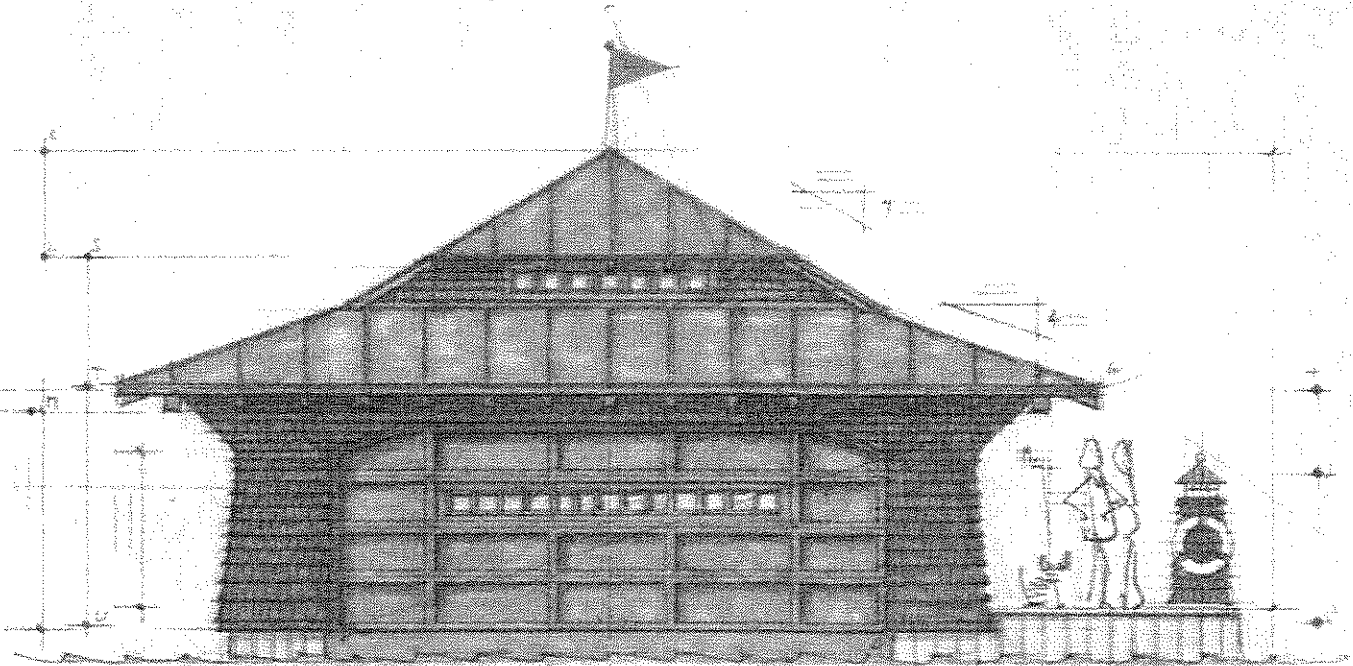
Sincerely,

Richard E. Weber III
Deputy Director (Regulatory Programs)

REW:CCP:slp

Enclose: Minor Project Permit Application

RECEIVED
SEP 10 2014
ADIRONDACK PARK AGENCY

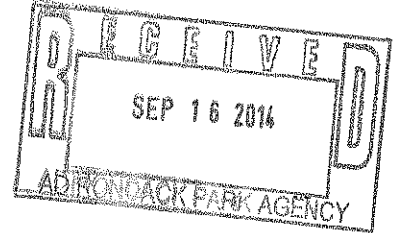


75 (235)
52 (175)

APPEAL BOATHOUSE 2010 "M"

LUDEROWSKI © 2010

1



FRANKLIN COUNTY - STATE OF NEW YORK
WANDA D. MURTAGH COUNTY CLERK
P.O. BOX 70, 365 W. MAIN ST, STE 248, MALONE, NEW YORK 12853

COUNTY CLERK'S RECORDING PAGE
THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



Recording:	
Cover Page	5.00
Recording Fee	50.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
Sub Total:	<u>75.00</u>
Total:	<u>75.00</u>

RECEIPT NO. : 2011102020

Clerk: LS
Instr #: 2011-3960
Rec Date: 08/10/2011 02:22:50 PM
Doc Grp: RP
Descrip: ADIRONDACK PARK PERM
Num Pgs: 7
Rec'd Frm: ROBERT MENSINK

Party1: MENSINK ROBERT A
MENSINK PAMELA S
TOWN: FRANKLIN


**** NOTICE: THIS IS NOT A BILL ****

I hereby certify that the within and foregoing was recorded in the Franklin County Clerk's Office.

Record and Return To:

ROBERT A MENSINK
121 MENSINK ROAD
LOON LAKE NY 12989

THIS PERMIT AMENDS PERMIT 91-34 ISSUED MARCH 13, 1992
THIS IS A TWO-SIDED DOCUMENT

 Adirondack parkagency P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050	APA Project Permit 91-34A
	Date Issued: July 26, 2011
In the Matter of the Application of ROBERT A. AND PAMELA S. MENSINK for a permit pursuant to §809 of the Adirondack Park Agency Act and 9 NYCRR Part 578	To the County Clerk: This permit must be recorded on or before September 26, 2011 . Please index this permit in the grantor index under the following names: 1. Robert A. Mensink 2. Pamela S. Mensink

SUMMARY AND AUTHORIZATION

Robert A. Mensink and Pamela S. Mensink are granted an amended permit, on conditions, authorizing the removal of vegetation within 100 feet of Kushagua Mud Pond Road to construct a garage on Lot 2 of a previously authorized five-lot subdivision and adjustments to the proposed on-site wastewater treatment systems on Lots 3 and 4, in an area classified Low Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Franklin, Franklin County.

The amended project may not be undertaken, and no transfer deed shall be recorded, until this amended permit is recorded in the Franklin County Clerk's Office. This amended permit shall expire unless so recorded on or before September 26, 2011 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.

The amended project shall not be further undertaken or continued unless the project authorized herein is in existence within four years from the date the permit is recorded. The Agency will consider the amended project in existence the Lot 2 garage has been constructed.

45
35
80-

Project & Permit
No. 91-34A

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, as originally proposed consisted of a five-lot subdivision involving substandard size shoreline lots and a wetland, and is both a Class A and a Class B Regional Project pursuant to § 810(1)(c)(1)(b) and (2)(b)(2)(a) thereof of the Adirondack Park Agency Act. The subdivision involving a wetland is also a "regulated activity" pursuant to 9 NYCRR 578.3(n)(1)(i) and requires a permit pursuant to 9 NYCRR 578.2.

PROJECT DESCRIPTION AS PROPOSED

The project as originally proposed is described in Permit 91-34. The requested amendment involves the construction of a 24 x 28 foot garage on Lot 2 of the previously authorized five-lot subdivision and within 100 feet of Kushaqua Mud Pond Road. The requested amendment also involves construction of garages on Lots 3 and 4 greater than 100 feet from Kushaqua Mud Pond Road, and related adjustments to the proposed on-site wastewater treatment systems on Lots 3 and 4.

The project is shown on drawings entitled "Map Showing Survey and Subdivision of Property Belonging to Robert A. and Pamela S. Mensink" drawn by Christopher Hunt Leifheit, and dated June 17, 1991. 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, THE AMENDED PROJECT IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. All conditions in Permit 91-34 remain in full force and effect unless specifically amended herein.
2. The amended project shall be undertaken as described in the request for an amended permit and the Project Description as Proposed herein, and in compliance with the Conditions herein. In the case of conflict, the Conditions control. Failure to comply with the permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.

Project & Permit
No. 91-34A

3. This 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 all the approved maps and plans referred to herein shall be furnished by the applicants to all contractors prior to undertaking the project, and to all subsequent owners or lessees of the project site prior to sale or lease. 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 91-34 issued March 13, 1992 and Permit 91-34A issued July 26, 2011, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
4. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.
5. Within 100 feet of the edge of the right-of-way of Mud Pond Road, no vegetation may be cut, culled or otherwise removed, except for (a) an area not to exceed 25 feet in width for the existing driveways and utility installations and (b) an area for construction of a 24 x 28 foot garage on Lot 2 to include the footprint of the garage, clearing of vegetation within 5 feet of the garage, and an extension of the existing driveway to provide access to the garage. This condition shall not be deemed to prevent the removal of dead or diseased vegetation or of rotten or damaged trees or of other vegetation that presents a safety or health hazard.
6. All exterior building materials, including roof, siding and trim, used to surface the exterior of the garage on Lot 2 authorized herein shall be of a color which blends with the existing vegetation. The Agency will, upon request, advise whether any particular proposal complies with this condition.
7. The garage on Lot 2 shall not exceed 26 feet in height. The height shall be measured from the highest point on the structure, including the chimney, to the lowest point of existing grade or finished grade, whichever is lower.
8. The proposed on-site wastewater treatment systems on Lots 3 and 4 shall be constructed in the location shown on the plans referenced herein. The systems shall comply with New York State Department of Health's "Wastewater Treatment Standards for

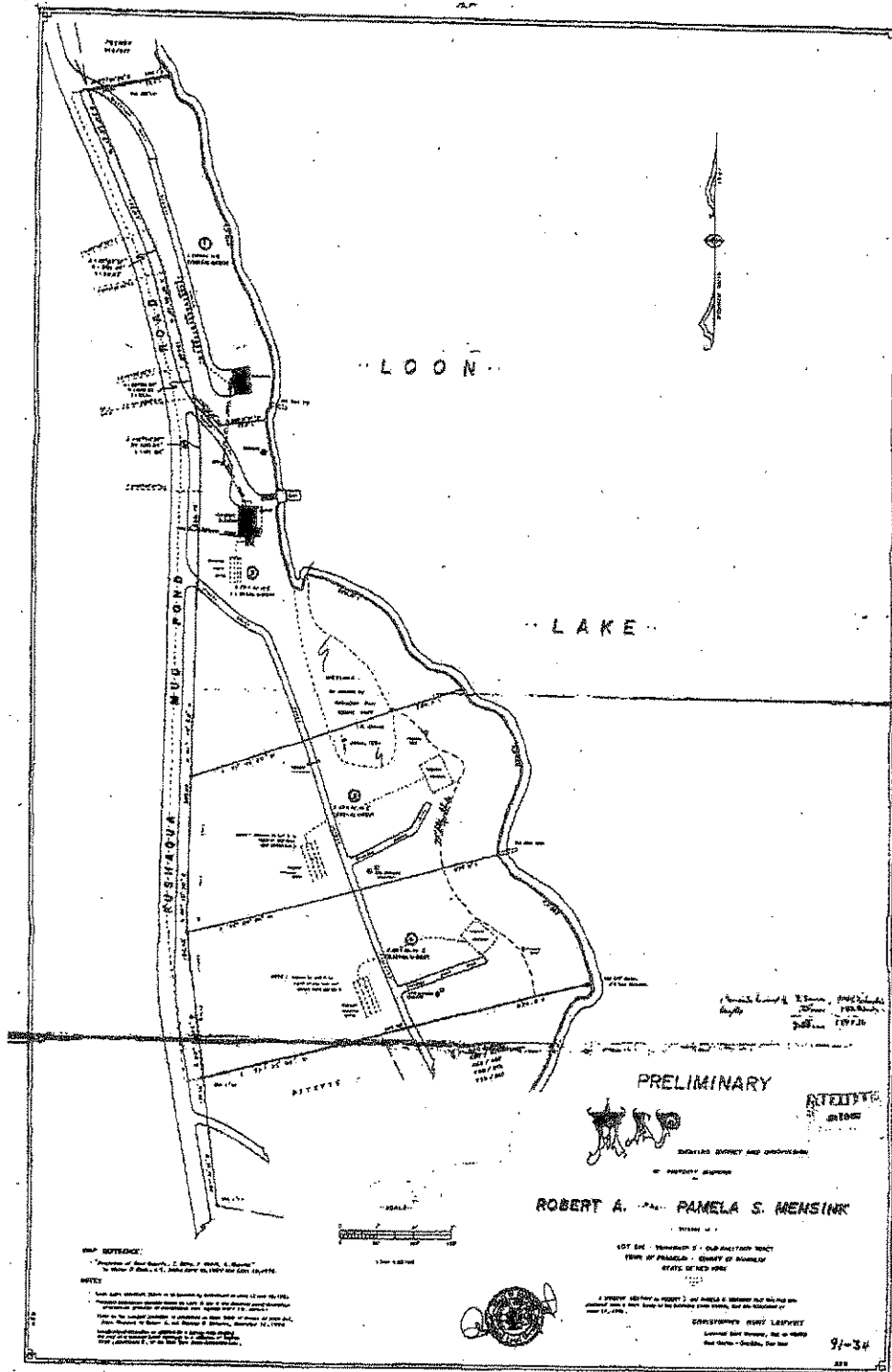
Project & Permit
No. 91-34A

Individual Household Systems" (10 NYCRR Appendix 75-A),
Agency's "Guidelines For On-site Sewage Disposal Systems", and
with Agency standards in 9 NYCRR Appendix Q-4.

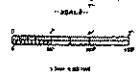
FINDINGS OF FACT

Findings of Fact 1 through 20 which are contained in Permit 91-34 which was issued on March 13, 1992 and recorded on April 2, 1992 in the Franklin County Clerk's Office in Book 5 of AFA Permits at Page 10 remain in effect.

21. By letter dated July 14, 2011, a request was made to amend Adirondack Park Agency Permit 91-34 authorizing a five-lot subdivision.
22. The project authorized by Agency Permit 91-34 has been undertaken and the permit is therefore valid. By letter dated January 20, 1994, from the Director of Regulatory Programs, Agency Permit 91-34 was determined to be substantially commenced and the recorded permit remains in effect.
23. Agency Enforcement files E2007-339, E95-202, E92-154 and E90-242 all pertain to this project site. Any alleged violations have been resolved and those enforcement files are now closed.
24. The potential for visual impacts from the construction of the garage on Lot 2 will be mitigated by restrictions to the height, size, and exterior color of the garage.
25. The construction of one garage on Lot 3 and one garage on Lot 4, in the locations and of the footprints shown on the project plans referenced herein, is in compliance with Agency Permit 91-34; these garages do not require an Agency permit.
26. There will be no impact from the proposed change in the orientation of the absorption fields for the on-site wastewater treatment systems on Lots 3 and 4, as shown on the project plans referenced herein provided the systems comply with existing Department of Health and Agency regulations.
27. The requested amendment does not involve a material change in permit conditions, the applicable law, environmental conditions or technology since the issuance of Permit 91-34, therefore, the request is being processed pursuant to §809(8)(b)(1) of the Adirondack Park Agency Act.



NOTICE:
 "Preparation of this plan, map, or drawing is based on the information furnished by the client and is not a warranty, representation, or endorsement of any products or services mentioned herein or of the quality, accuracy, or completeness of the information furnished by the client. The client is responsible for the accuracy and completeness of the information furnished and for the results of any use of the information for purposes not intended by the client. The client is also responsible for obtaining all necessary permits and approvals for the project. The client is further responsible for the accuracy and completeness of the information furnished and for the results of any use of the information for purposes not intended by the client. The client is also responsible for obtaining all necessary permits and approvals for the project."



PRELIMINARY
 SITE PLAN
 FOR THE DEVELOPMENT AND CONSTRUCTION
 OF PROPERTY LOCATED
ROBERT A. MENSINK PAMELA S. MENSINK
 ENGINEERS
 107 E. TOWNSEND ST. - OLD FORT ROAD
 TOWN OF FRANKLIN - COUNTY OF WARREN
 STATE OF NEW YORK
 12153

I HEREBY CERTIFY THAT I, ROBERT A. MENSINK, AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF NEW YORK AND AM THE DESIGNER OF THIS PLAN, MAP, OR DRAWING.
 EXPIRES: 12/31/2012
 LICENSE NO. 10000
 97-34

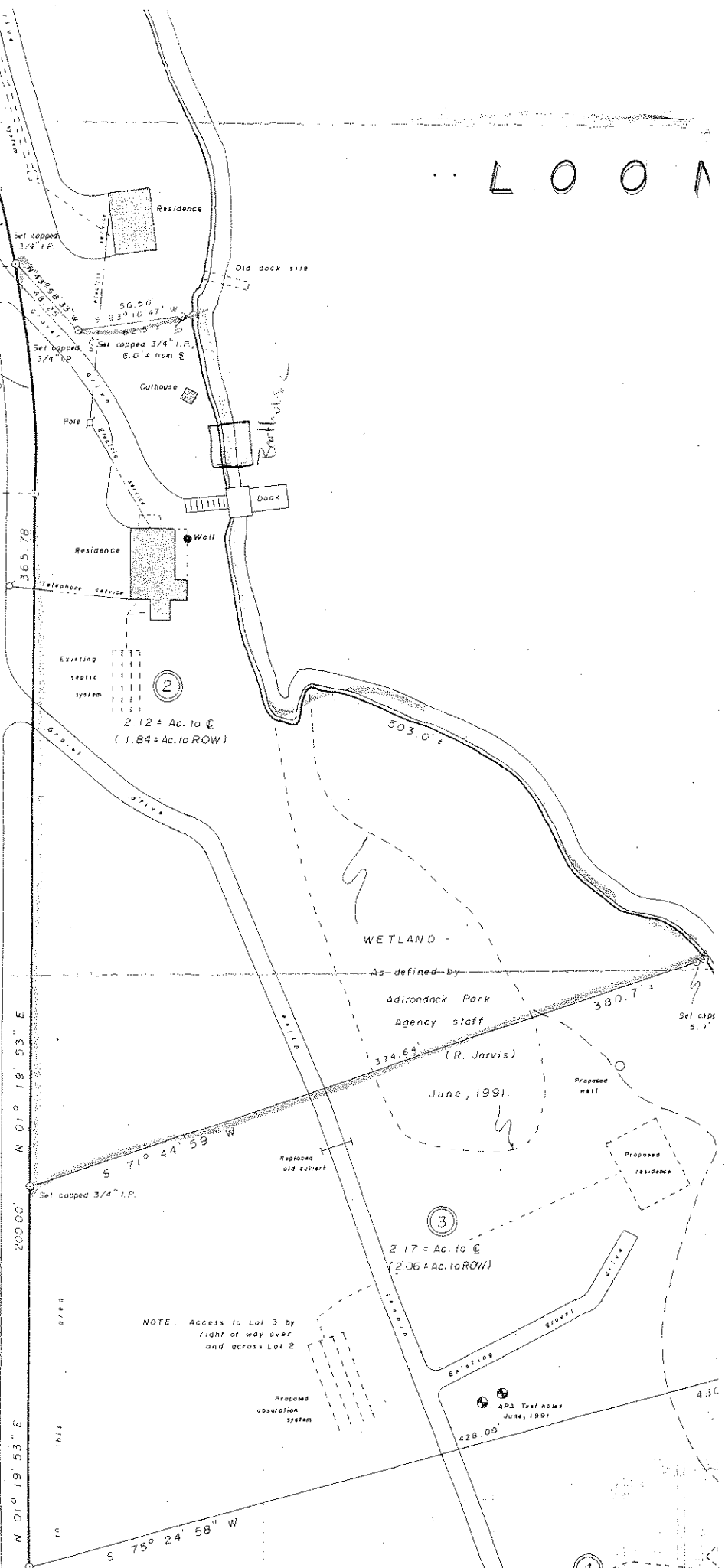
LOON



Lot 1
Lot 2
 $\Delta = 11^{\circ}54'37''$
 $R = 586.64'$
 $L = 121.95'$

(S 88° 40' 07" E)

KU-SHAQUA MUD POND ROAD



2.12 ± Ac. to \odot
(1.84 ± Ac. to ROW)

WETLAND -

As defined by
Adirondack Park
Agency staff
(R. Jarvis)
June, 1991.

374.84'
380.7'

3
2.17 ± Ac. to \odot
(2.06 ± Ac. to ROW)

NOTE: Access to Lot 3 by
right of way over
and across Lot 2.

43C
428.00'
APL Test holes
June, 1991

4