


**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></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 <b>2022-0168</b></p>
<p>In the Matter of the Application of</p> <p><b>I360 LIMITED</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: January 5, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. i360 Limited</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a new commercial use self-storage facility in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Ticonderoga, 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 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 one of the authorized self-storage buildings has been constructed.

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 7.58±-acre parcel of land located on NYS Route 9N in the Town of Ticonderoga, Essex County, in an area classified Moderate Intensity on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 150.34, Block 9, Parcel 1.100, and is described in a deed from John A. Kroner and Cristina M. Lawrence to i360 Limited, dated February 22, 2022, and recorded February 28, 2022 in the Essex County Clerk's Office under Instrument Number 2022-1035 and at Book 2073, Page 245.

The project site is improved by the pre-existing Green Acres Motel and associated outbuildings. Agency Permit 2005-0144 authorized the installation of a portion of a new municipal sewer line and related improvements on the project site.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of a commercial use self-storage facility accessed from NYS Route 9N. The facility will consist of three 5,600-square-foot storage buildings, three 4,200-square-foot storage buildings, and a gravel parking area.

The project is shown on the following maps, plans, and reports (Project Plans):

- A one sheet plan titled "Site Plan Prepared For Lane Thrush & I360 Limited," prepared by Kevin Hall, L.S., dated June 28, 2022 (Survey Map);
- Eighteen sheets of plans titled "Site Plan for i360 Storage," prepared by JHA Companies, dated June 29, 2022 (Engineered Plans);
- Three hundred twelve sheets of plans titled "Stormwater Pollution Prevention Plan," prepared by JHA Companies, dated June 29, 2022 (SWPPP); and
- Twenty-three sheets of plans titled "Phase 1 Archaeological Survey," prepared by Timothy J. Abel, PhD, and dated November 3, 2022 (Archaeological Survey).

A reduced-scale copy of Page 3 of the Engineered Plans, titled "Overall Site Plan" is attached as a part of this permit for reference.

### **AGENCY JURISDICTION**

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the establishment of any commercial use on Moderate Intensity Use lands 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, for as long as the commercial use continues on the site. Copies of this permit and Project Plans 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 conditions in Permit 2005-0144 remain in full force and effect.
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 2022-0168, issued January 5, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes the construction of a commercial use self-storage facility. The facility will consist of three 5,600-square-foot storage buildings, three 4,200-square-foot storage buildings, and a gravel parking area, in the location shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the commercial use self-storage facility shall require prior written Agency authorization.
7. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan.
8. The project shall be undertaken in compliance with the Erosion and Sediment Control Plans as described in the Project Plans.
9. 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.
10. Any new free-standing or building-mounted outdoor lights associated with the commercial use self-storage facility on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward NYS Route 9N or adjoining property.
11. All signs associated with the commercial use self-storage facility on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].

12. Outside of the limits of clearing shown on the Site Plan no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed 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.
13. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.
14. All plantings within the proposed vegetated infiltration basins as depicted in the Project Plans shall be planted and maintained as described in the Project Plans.
15. There shall be no more than five principal buildings located on the project site at any time, in addition to the pre-existing Green Acres Motel or any replacement structure for this dwelling as allowed by Agency regulations. The six commercial use self-storage buildings authorized herein constitute three principal buildings. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

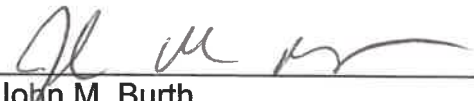
### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the project 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 Moderate Intensity land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity 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.


PERMIT issued this <sup>5<sup>th</sup></sup> day  
of January, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the <sup>5<sup>th</sup></sup> day of January in the year 2023, 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.

  
Notary Public

Stephanie L. Petith  
Notary Public, State of New York  
Reg. No 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15, 2025

