


THIS IS A TWO-SIDED DOCUMENT

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|  <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 Tel: (518) 891-4050 www.apa.ny.gov</p> | <p>APA Permit 2023-0066</p> |
| <p>In the Matter of the Application of</p> <p>C. MCKENNA PROPERTY MANAGEMENT LLC, JOHN A. WELCH, and LEANNA L. WELCH Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p> | <p>Date Issued: June 1, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. John A. Welch 2. Leanna L. Welch</p> |

SUMMARY AND AUTHORIZATION

This permit authorizes a new commercial use in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Schroon, 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 Essex County Clerk's Office. The Agency will consider the project in existence when the commercial use begins operations in the building described herein.

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 1.5±-acre parcel of land located on State Route 9 in the Town of Schroon, Essex County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 156.20, Block 1, Parcel 2.120, and is described in a deed from Michael Marnell and Lenchen Marnell to John A. Welch and Leanna L. Welch, dated December 9, 1998, and recorded December 14, 1998 in the Essex County Clerk's Office at Book 1196, Page 319.

The project site is improved by an existing commercial use structure and an attached two-bedroom single family dwelling. The combined commercial use/single family dwelling structure share an existing on-site wastewater treatment system. The commercial use structure was authorized by Agency Permit 1990-144.

PROJECT DESCRIPTION

The project as conditionally approved herein involves establishment of a new commercial use landscaping business within the existing commercial use structure. No expansion of the structure footprint or on-site wastewater treatment system is proposed. To provide screening, the area between the existing structure and parking lot and NYS Route 9 will be overseeded with native wildflowers and sun tolerant ferns, as well as at least 20 native shrubs.

The project is shown on a map titled "Site Plan," prepared by Walter Swartz Drafting and Design, dated May 4, 2023, and received May 8, 2023 (Site Plan). A reduced-scale copy of the Site Plan for the project, 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.

This permit amends Condition 6 of Agency Permit 1990-144, which authorized only the former commercial use described in that permit.

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 landscaping business continues on the site. Copies of this permit and Site Plan 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 1990-144. The terms and conditions of Permit 1990-144 shall no longer apply.
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 2023-0066, issued June 1, 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 operation of the landscaping business within the existing building in the location shown and as depicted on the Site Plan. Any change to the location, dimensions, or other aspect of the commercial use shall require a new or amended permit.
7. There shall be no accessory structures on the project site without a new or amended Agency Permit.
8. Operation of the commercial use shall only occur between 7 a.m. and 6 p.m., without prior written Agency authorization.
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 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 State Route 9 or adjoining property.
11. All signs associated with the business on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
12. No trees greater than 6 inches in diameter at breast height 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. All shrubs depicted on the Site Plan shall be planted in the approximate locations shown no later than the first spring or fall planting season after establishment of the landscaping business. Shrubs that do not survive shall be replaced annually until established in a healthy growing condition. If any shrubs described on the planting plan are to be substituted, the substitution shall be a native shrub. The area between the building and parking lot and NYS Route 9 shall be overseeded with native wildflowers and sun-tolerant ferns.
14. There shall be no more than one principal building located on the project site at any time. The commercial use authorized herein and the attached single family dwelling together constitute one principal building.

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 Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity 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 1st day
of June, 2023.

ADIRONDACK PARK AGENCY

BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 1st day of June in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, 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



WALTER SWARTZ
DRAFTING & DESIGN
 CHESTER TOWN, NY 12817
 PH: 518-791-1545

J&L AUTO
 2015 US ROUTE 9
 SCHROON LAKE, NY 12870
 FORTSSEX COUNTY

| | |
|--------------|--------------|
| DATE | 1-4-18 |
| CHECKED | WSP-AMBRON |
| DRAWN BY | WSP-AMBRON |
| SCALE | 1/4" = 1'-0" |
| SHEET TITLE | SITE PLAN |
| SHEET NUMBER | A1 |

DATE: May 1, 2018
 PROJECT: P0233-0008
 DRAWING: SITE PLAN

SITE-PLAN



TAX ID#156.20-1-2.120

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