


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>2023-0095</b></p>
<p>In the Matter of the Application of</p> <p><b>TYLER ENNIS and MRCN PROPERTIES, LLC</b> <b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: July 13, 2023</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <p><b>1. MRCN Properties, LLC</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a commercial use in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Fort Ann, Washington County.

This authorization shall expire unless recorded in the Washington 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 Washington County Clerk's Office. The Agency will consider the project in existence when the permit has been recorded.

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 1.77 acre parcel of land located on NYS Route 149 in the Town of Fort Ann, Washington 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 110, Block 1, Parcel 52, and is described in a deed from Upland Resources Group, Inc. to MRCN Properties, dated November 17, 2014, and recorded November 25, 2014 in the Washington County Clerk's Office under Document Number 00095459.

The project site is improved by a commercial use structure containing office space on the first floor and one dwelling unit on the second floor. The structure and associated on-site wastewater treatment system were constructed pursuant to Agency Permit 87-90.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the use of the existing commercial use structure as an office for the sale of portable storage buildings. Approximately 16 storage buildings will be displayed on the property until they are purchased and then they will be replaced.

Existing access to the project site is from NYS Route 149.

A reduced-scale copy of the final Site Plan, received by the Agency June 2, 2023, 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 Washington 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 final 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 Permits P87-90 and 90A and Agency Settlement Agreement 2006-331. The terms and conditions of Permits P87-90 and 90A and Agency Settlement Agreement 2006-331 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 2023-0095, issued July 13, 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 undertaking of a commercial use in the location shown and as depicted on the Site Plan. Any change to the location, dimensions, or other aspect of the commercial use, commercial use structure or dwelling unit shall require prior written Agency authorization.
7. No portable storage buildings shall be placed within ten feet of the existing wastewater absorption field on the project site. Any expansion or replacement of the on-site wastewater treatment system shall require prior written Agency authorization.
8. Any new free-standing or building-mounted outdoor lights associated with the commercial use 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 149 or adjoining property.
9. All signs associated with the commercial use on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
10. There shall be no more than two principal buildings located on the project site at any time. The existing commercial use structure and dwelling unit constitute two principal buildings.

### **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 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 13<sup>th</sup> day  
of July, 2023.

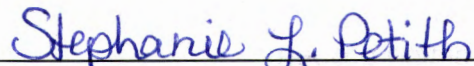
ADIRONDACK PARK AGENCY

BY: 

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

STATE OF NEW YORK  
COUNTY OF ESSEX

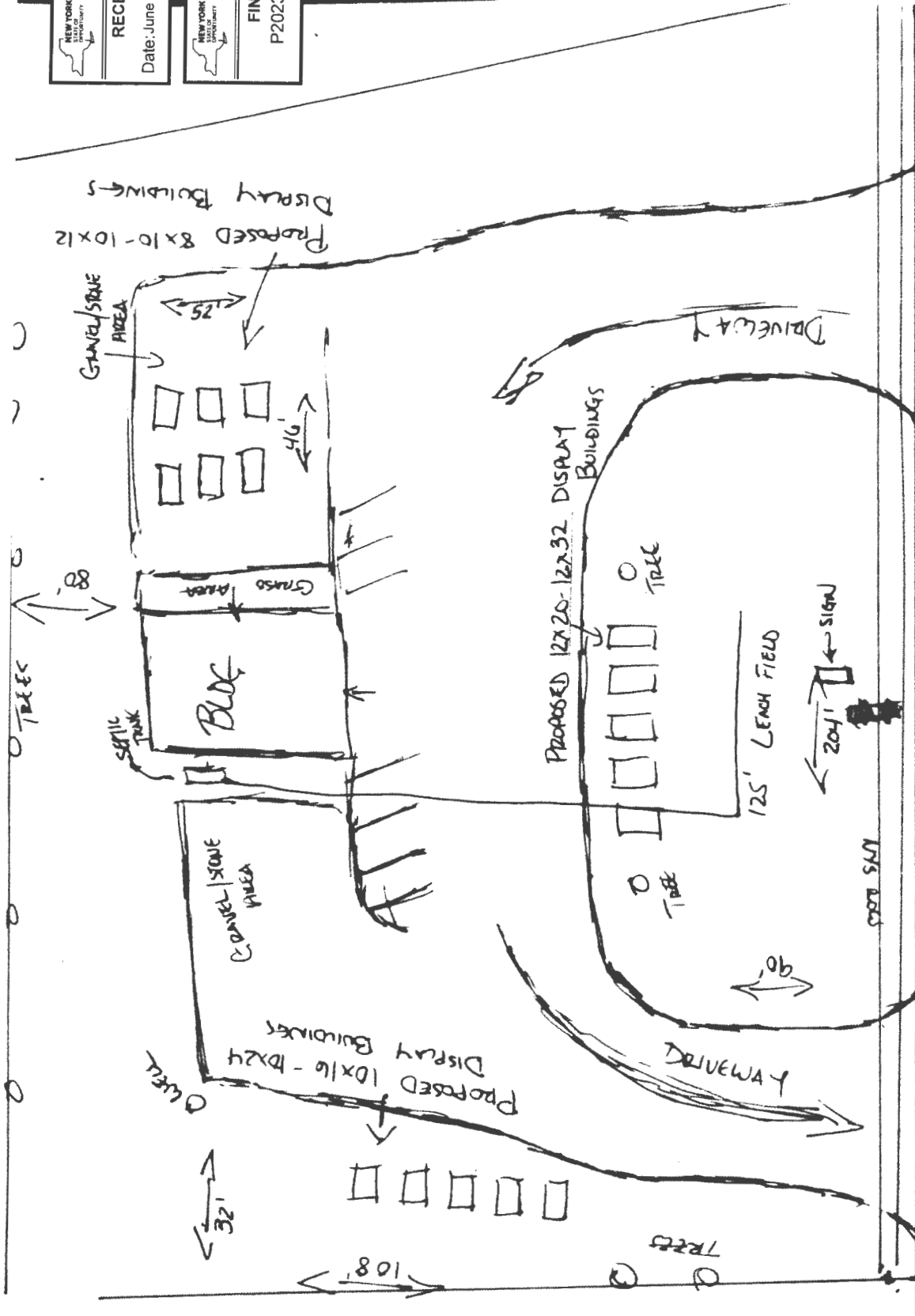
On the 13<sup>th</sup> day of July in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument 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

NEW YORK STATE  
 RECEIVED  
 Adirondack Park Agency  
 Date: June 2, 2023

NEW YORK STATE  
 FINAL  
 Adirondack Park Agency  
 P2023-0095



NY-149