


THIS IS A TWO-SIDED DOCUMENT

 <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 2023-0209</p>
<p>In the Matter of the Application of</p> <p>STONY CREEK COMMUNITY CHURCH Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: January 4, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Stony Creek Community Church</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a three-lot subdivision in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Stony Creek, Warren County.

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

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 1.74±-acre parcel of land located on Harrisburg Road in the Town of Stony Creek, Warren County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 231, Block 1, Parcel 21, and is described in a deed from Knowlhurst Baptist Church Of Stony Creek, New York to Stony Creek Community Church, dated April 18, 2018, and recorded April 18, 2018 in the Warren County Clerk's Office at Book 5737, Page 126.

The project site is improved by a single family dwelling constructed in 1975 and a cemetery associated with a church building constructed in the 1860s.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a three-lot subdivision to create a 0.82±-acre lot improved by an existing single family dwelling (Lot 1), a 0.58±-acre lot containing an existing cemetery (Lot 2), and a 0.34±-acre lot improved by a pre-existing church (Lot 3).

The project is shown on a one sheet plan titled "Map of a Proposed 3 Lot Subdivision and Boundary Line Adjustment – Lands now or formerly of Stony Creek Community Church," prepared by Donald C. Darrah, Darrah Land Surveying PLLC, dated April 6, 2023, and last revised August 5, 2023 (Survey).

A reduced-scale copy of the Survey 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 any subdivision of Rural Use lands that results in the creation of a non-shoreline lot smaller than 7.35 acres in size 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 Warren 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 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. Subject to the conditions stated herein, this permit authorizes a three-lot subdivision as depicted on the Survey. Any subdivision not depicted on the Survey shall require a new or amended permit.
5. The deed of conveyance for Lot 2 shall contain a covenant restricting the property against the construction of any single family dwelling, mobile home, or other principal building as that term is defined under the Adirondack Park Agency Act. The deed shall state that the covenant shall run with, touch and concern the land, and that the covenant shall be enforceable by the Adirondack Park Agency and the State of New York.
6. There shall be no principal buildings located on Lot 1 other than the single family dwelling constructed in 1975 or any replacement structure for this dwelling as allowed by Agency regulations.
7. There shall be no principal buildings located on Lot 2 at any time.
8. There shall be no principal buildings located on Lot 3 other than the pre-existing church or any replacement for this structure as allowed by Agency regulations.

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 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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural 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 4th day
of January, 2024.

ADIRONDACK PARK AGENCY

BY: _____

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 4th day of January in the year 2024, 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.

Stephanie L. Petith
Notary Public

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

