


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>2024-0063</b></p>
<p>In the Matter of the Application of</p> <p><b>GEORGE SWIFT, GLEN BISWURM, VILLAGE MOTORSPORTS, INC and LEMON TREE 30 LLC</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency and 9 NYCRR Part 578</p>	<p>Date Issued: April 24, 2024</p>
<p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Village Motorsports, Inc. 2. Lemon Tree 30 LLC</b></p>	

**SUMMARY AND AUTHORIZATION**

This permit authorizes a three-lot subdivision in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Lake Pleasant, Hamilton County.

This authorization shall expire unless recorded in the Hamilton 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 Hamilton County Clerk's Office. The Agency will consider the project in existence when an authorized lot has been conveyed to an outside party.

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 an 8.05-acre parcel of land located on Elliot Lane and State Route 30 in the Town of Lake Pleasant, Hamilton County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site includes three separate tax parcels as follows:

- Tax Map Section 113.041, Block 3, Parcels 3.222, and 3.110 described in a deed from Moose Creek Holdings, LLC and Village Motorsports, Inc. dated April 10, 2021, and recorded in the Hamilton County Clerk's Office as Instrument Number 2021-759 on May 19, 2021 (5.42 acres); and
- Tax Map Section 113.041, Block 3 Parcel 2 described in a deed from Moose Creek Holdings, LLC to Lemon Tree 30 LLC dated November 18, 2020, and recorded in the Hamilton County Clerks Office as Instrument Number 2020-1385 on December 1, 2020.

The western and northern portions of the project site contains wetlands, primarily located on Tax Map Parcel (TMP) 113.041-3-3.222. Additional wetlands not described herein or depicted on the Survey may be located on or adjacent to the project site.

TMP 113.041-3-3.110 is improved by a boat storage barn constructed in 1984 and TMP 113.041-3-2 is improved by a brewery constructed in 1945 and includes an apartment building constructed in 1960. TMP 113.041-3-3.222 is currently vacant an accessed from Elliot Lane.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves subdivision of tax map parcel 113.041-3-3.22 to create a 3.23-acre parcel to be merged with tax map parcel 113.041-3-2 and a subdivision of tax map parcel 113.041-3-2 to create a 0.78-acre parcel to be merged with tax map parcel 113.041-3-3.110.

The subdivision is shown on a survey titled, "Boundary Line Adjustment Village Motor Sports, INC. & Lemon Tree 30, LLC" prepared by Blanchard Land Surveying, and dated October 9, 2023 (Survey). A reduced scale copy of the Survey is attached to this permit for reference.

## **AGENCY JURISDICTION**

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands 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 Hamilton 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 Boundary Line Adjustment 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. This permit amends and supersedes Permit 2023-0163 in relation to the project site. The terms and conditions of Permit 2023-0163 shall no longer apply to the project site.
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 2024-0063, issued April 24, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Subject to the conditions stated herein, this permit authorizes two, two-lot subdivisions as depicted on the Survey. Any subdivision of the project site not depicted on the Site Plan shall require prior written Agency authorization.
7. Within 30 days of conveyance of Parcel 2A, a new deed shall be filed in the Hamilton County Clerk's office describing Parcels 2A and C as a single, un-divided lot. Any future subdivision of this un-divided lot shall require a new or amended permit.
8. Within 30 days of conveyance of Parcel 2B, a new deed shall be filed in the Hamilton County Clerk's office describing Parcels 2B, and B as a single, un-divided lot. Any future subdivision of this undivided lot shall require a new or amended permit.
9. The undertaking of any activity involving wetlands shall require a new or amended permit. Any new land use or development within 100 feet of wetlands shall require prior written Agency authorization.

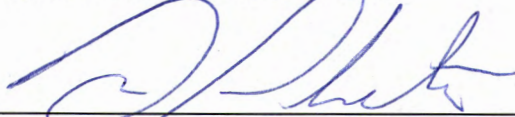
**CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, 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 Hamlet land use area;
- c. will be consistent with the overall intensity guidelines for the Hamlet land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- 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;
- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- g. will be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values.

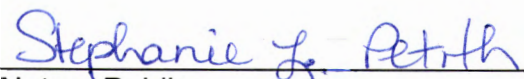
PERMIT issued this 24<sup>th</sup> day  
of April, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 24<sup>th</sup> day of April in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David 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.

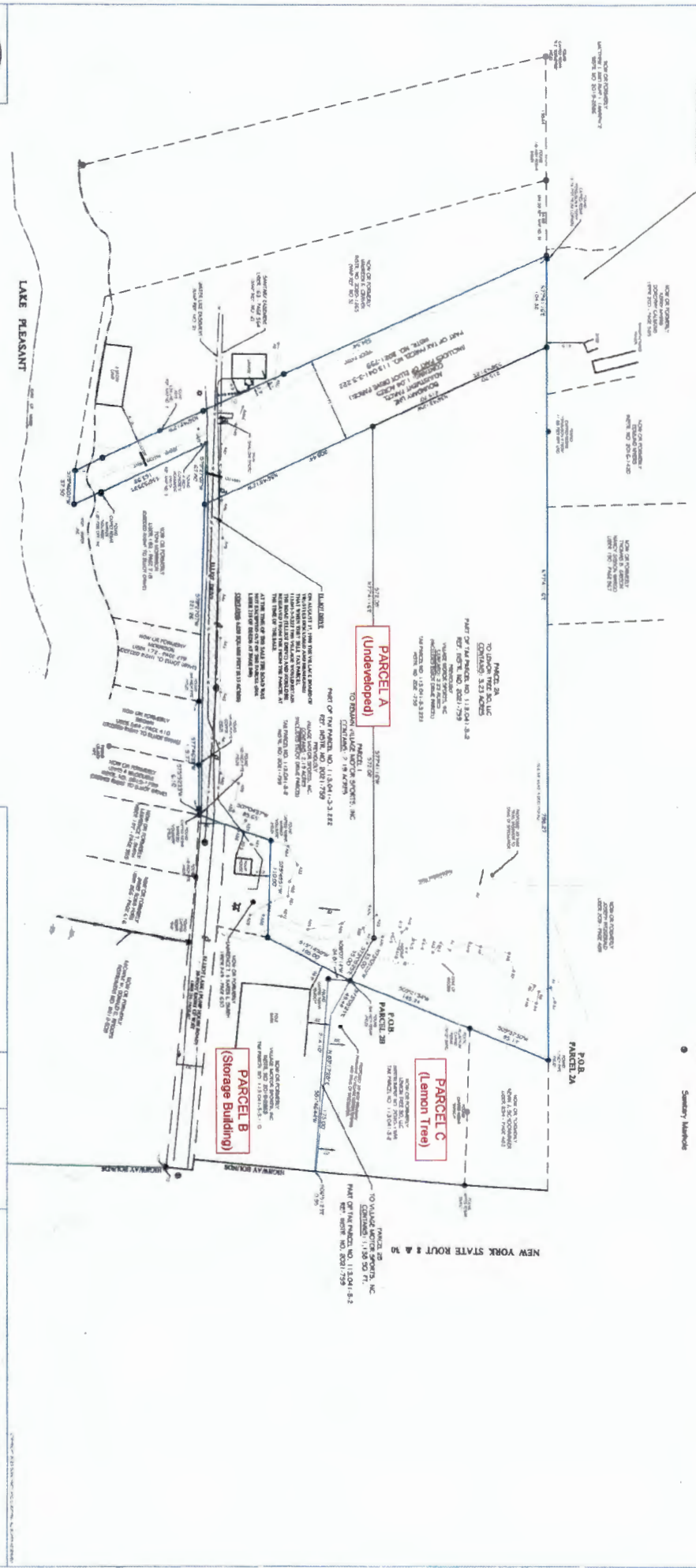
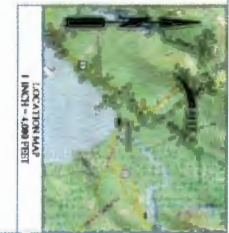
  
Notary Public



- Map Reference:**
1. Final Map Showing Property of West and Great Corner, dated July 14, 2014, prepared by Blanchard Land Surveying, LLC, under the supervision of Licensed Land Surveyor, C. Allen Hyslop, County Clerk's Office as Map No. 529.
  2. Final Map of Speculator Water System Improvements, dated August 14, 2014, prepared by Blanchard Land Surveying, LLC, under the supervision of Licensed Land Surveyor, C. Allen Hyslop, County Clerk's Office as Map No. 530.
  3. Final Boundary Survey of Lots of NY Parc 5, Grant's Drive #1, dated August 14, 2014, prepared by Blanchard Land Surveying, LLC, under the supervision of Licensed Land Surveyor, C. Allen Hyslop, County Clerk's Office as Map No. 530B.
  4. Final Property Map Showing Jones Downstream To Kluck Creek, including on the west shore of Kluck Creek, dated August 14, 2014, prepared by Blanchard Land Surveying, LLC, under the supervision of Licensed Land Surveyor, C. Allen Hyslop, County Clerk's Office as Map No. 530C.
  5. Final Map Showing Lots Of Village Creek Holdings, LLC, dated November 2, 2020, prepared by Blanchard Land Surveying, LLC.

- Notes:**
1. The survey conditions are based on referenced map no. 1. The data on this map is derived from the referenced map and is not a field survey.
  2. All distances shown are measured unless noted.
  3. One acre from the original of this survey with an original of the Land Surveyor's Office is shown on the map.
  4. All structures are not visible or readily apparent are not shown and are shown as a subject to the statement of facts that are to date.
  5. Subject to easements, encroachments, restrictions, conditions and agreements of record.
  6. This map is subject to the statement of facts that are to date.

- Legend**
- Property line
  - Survey line
  - Adjoiner line
  - Water line
  - Shading line
  - Edge of Wetlands
  - From parcel, per meter etc.
  - From Monumented 1/2 inch dia.
  - Point Not Monumented
  - Utility Pole
  - Fire Hydrant
  - Water Valve
  - Survey Markers



THIS IS A VOUCHER OF SECTION 220, PARAGRAPH 2 OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION UNDER THE SUPERVISION OF A LICENSED LAND SURVEYOR. TO ALTERNATE DOCUMENT IN ANY WAY.

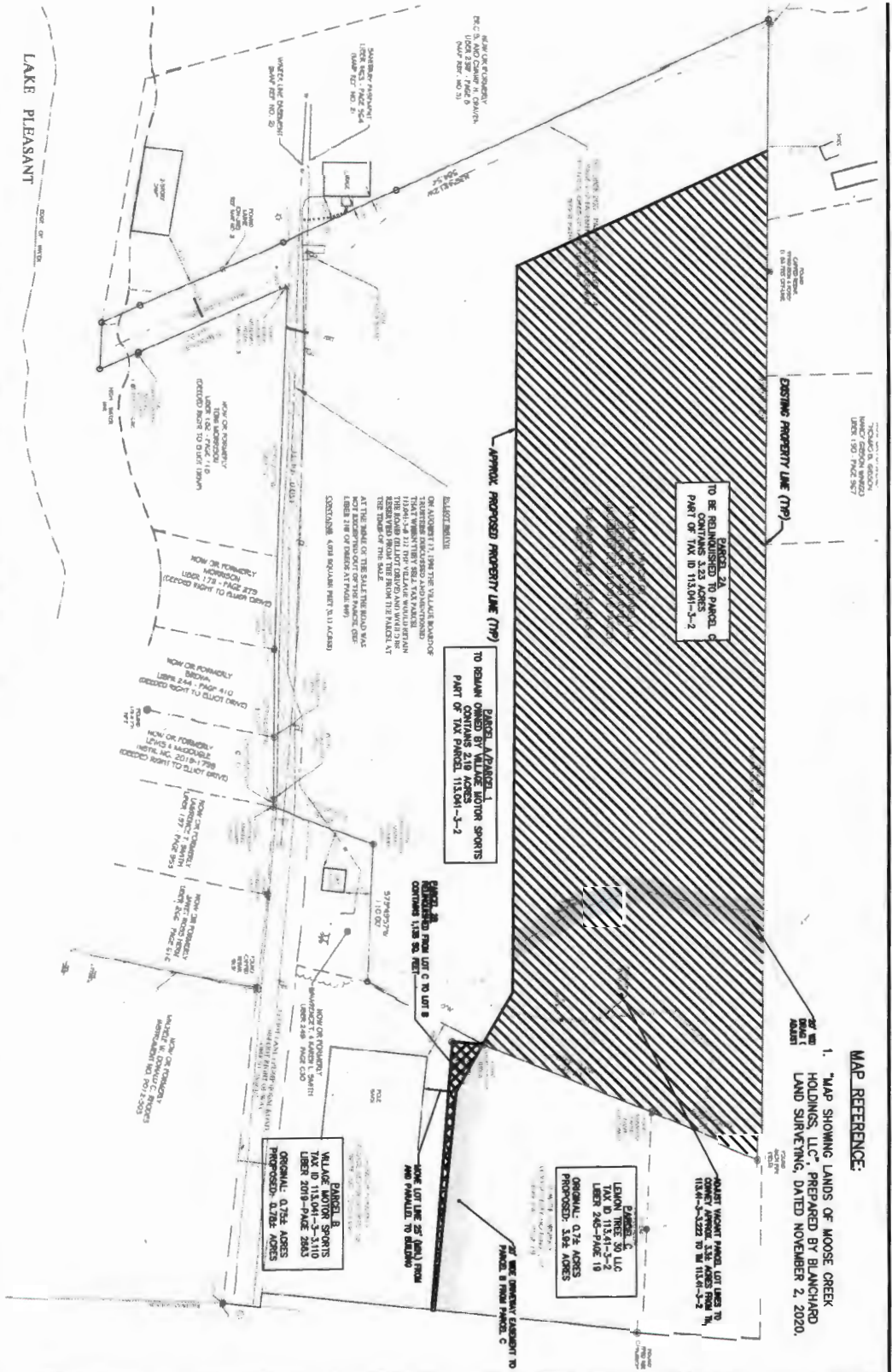
**Blanchard Land Surveying**  
711 Old State Road  
Poland, New York  
845-546-4924



BOUNDARY LINE ADJUSTMENT  
**VILLAGE MOTOR SPORTS, INC.**  
& **LEMON TREE 30, LLC**  
TOWN OF LAKE PLEASANT, VILLAGE OF SPECULATOR,  
COUNTY OF HAMILTON  
STATE OF NEW YORK

RECEIVED  
 Adirondack Park Agency  
 Date: March 4, 2024

NEW YORK OFFICIAL  
 Adirondack Park Agency  
 FINAL  
 P2024-0063



TO BE CONVEYED TO THE LANDOWNER(S) OF THE ADJOINING PARCEL ("RECEIVING PARCEL"), AND THE BOUNDARY LINE THAT ADJOINING PARCEL BY DEED COVENANTS STATING MERGERS WITH THE ADJOINING RECEIVING PARCEL AND MAY NOT BE SOLD SEPARATELY FROM THAT PARCEL WITHOUT A WRITING. THE ADIRONDACK PARK AGENCY ACT AND THE ADIRONDACK PARK AGENCY REGULATIONS SHALL APPLY TO THIS PARCEL. THE BOUNDARY LINE ADJUSTMENT MAY NOT BE USED BY THE RECEIVING PARCEL TOWARDS THE MATHEMATICAL CALCULATION OF THE BOUNDARY LINE ADJUSTMENT AND SHALL BE ENFORCEABLE BY THE ADIRONDACK PARK AGENCY, THE STATE OF NEW YORK, AND THE COUNTY CLERK WITHIN 30 DAYS AFTER THE EXECUTION OF THE DEED.

MAP REFERENCE:  
 1. MAP SHOWING LANDS OF MOOSE CREEK HOLDINGS, LLC, PREPARED BY BLANCHARD LAND SURVEYING, DATED NOVEMBER 2, 2020.

NO.	DATE	REVISION

**BOUNDARY LINE ADJUSTMENT SKETCH PLAN**  
 DATE: JANUARY 28, 2024  
 SCALE: NONE  
 SHEET: 1 OF 1