

THIS IS A TWO-SIDED DOCUMENT



**Adirondack  
Park Agency**

P.O. Box 99, 1133 NYS Route 86  
Ray Brook, New York 12977  
Tel: (518) 891-4050  
www.apa.ny.gov

APA Permit  
**2024-0152**

Date Issued: January 15, 2025

In the Matter of the Application of

**LAKE CHAMPLAIN TRANSPORTATION d/b/a  
LAKE INDUSTRIES  
Permittee**

for a permit pursuant to § 809 of the Adirondack  
Park Agency Act

To the County Clerk: Please index  
this permit in the grantor index  
under the following name(s):

- 1. Lake Champlain  
Transportation d/b/a Lake  
Industries**

**SUMMARY AND AUTHORIZATION**

This permit authorizes re-configuration and expansion of an existing marina in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Peru, Clinton County.

This authorization shall expire unless recorded in the Clinton 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 Clinton County Clerk's Office. The Agency will consider the project in existence when any one of the boat docking structures authorized herein have been installed.

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 41±-acre parcel located on both sides of NYS Route 9 in the Town of Peru, Clinton 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 258, Block 2, Parcels 2.1, 2.2, 2.3, 12, 13.1, 13.3, and 13.4, and is described in a deed from DLC Partners, LLC to Lake Champlain Transportation Company d/b/a Lake Industries, dated May 31, 2024, and recorded June 7, 2024 in the Clinton County Clerk's Office under Instrument Number 2024-00337985.

The project site contains shoreline on Lake Champlain. The project site also contains wetlands below the mean high water mark of Lake Champlain. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The project site is improved by two pre-existing marinas (Snug Harbor Marina and Olde Valcour Marina) that have both already been expanded by more than 25% and together include a capacity of 234 boat rental slips, 112 boat moorings, and breakwater structures that total 27,150 square feet in footprint as authorized by Agency permits 87-416 and 94-379. The project site also includes the following existing on-land structures and uses: a restaurant as authorized by Agency Permit 91-378, two boat service buildings as authorized by Agency Permit 2004-248, a single family dwelling, an office/store building, and three boat storage buildings as authorized by Agency Permit 86-317, a bath house, 12 travel trailers, a fuel storage building, and several sheds.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the re-configuration and expansion of an existing marina through the installation of a new boat docking system to include a total of 302 boat docking slips available for rent. The project also includes the installation of 68 boat moorings and installation of breakwater structures that total 6,750 square feet in footprint. The previously authorized breakwater structures that total 27,150 square feet in footprint will be removed. No changes to existing uses, operations or on-land structures are proposed or authorized.

There are wetlands within the mean high water mark of Lake Champlain at the project site. The total footprint of structures within wetlands will decrease. A total of 12,697 square feet in footprint of previously authorized structures will be removed from wetlands. The structures authorized herein will have 11,603 square feet in footprint within wetlands.

The project is shown on a 10-sheet set of Project Plans titled "Olde Valcour and Snug Harbor Marina," prepared by R.M. Sutherland, P.C., dated last revised October 10, 2024, and received by the Agency on October 11, 2024.

A reduced-scale copy of Sheet C300 of the Project Plans 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 expansion by more than 25% of any marina on Moderate Intensity Use lands in the Adirondack Park.

Condition 5 of Agency Permit 87-416 issued for the southerly portion of the current project site, the former Snug Harbor marina, requires a new permit for greater than 125 dock slips.

Condition 5 of Agency Permit 94-379 issued for the northerly portion of the current project site, the former Olde Valcour marina, requires a new permit for greater than 110 dock slips.

## **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 Clinton 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 operation of the marina continues on the site. Copies of this permit and the 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. This permit amends and supersedes Agency permits 87-416, 87-416A, 94-379, 94-379A, 2004-248, and 2007-243 in relation to the project site. The terms and conditions of Agency permits 87-416, 87-416A, 94-379, 94-379A, 2004-248, and 2007-243 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 2024-0152, issued January 15, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes the re-configuration and expansion of an existing boat docking system, including docks, moorings, and breakwater structures, in the locations shown and as depicted on the Project Plans. Any expansion of existing structures or construction of new structures not authorized herein on the project site shall require prior written Agency authorization.

7. Any new free-standing or structure-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 Lake Champlain, NYS Route 9, or adjoining property.
8. Within 50 feet of the mean high water mark of Lake Champlain and within 100 feet of the mean high water mark of Silver Stream, 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.
9. Within 100 feet of the centerline of NYS Route 9, 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.
10. The undertaking of any activity involving wetlands shall require a new or amended permit.
11. 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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.

### **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 15<sup>th</sup> day  
of January, 2025.

ADIRONDACK PARK AGENCY

BY: Ariel Lynch  
Ariel Lynch  
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 15<sup>th</sup> day of January in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Ariel Lynch, 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, State of New York  
Reg No 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15, 2025

Stephanie L. Petith  
Notary Public

**RECEIVED**  
 Date: October 11, 2024

**FINAL**  
 P2024-0152



**Adirondack Park Agency**

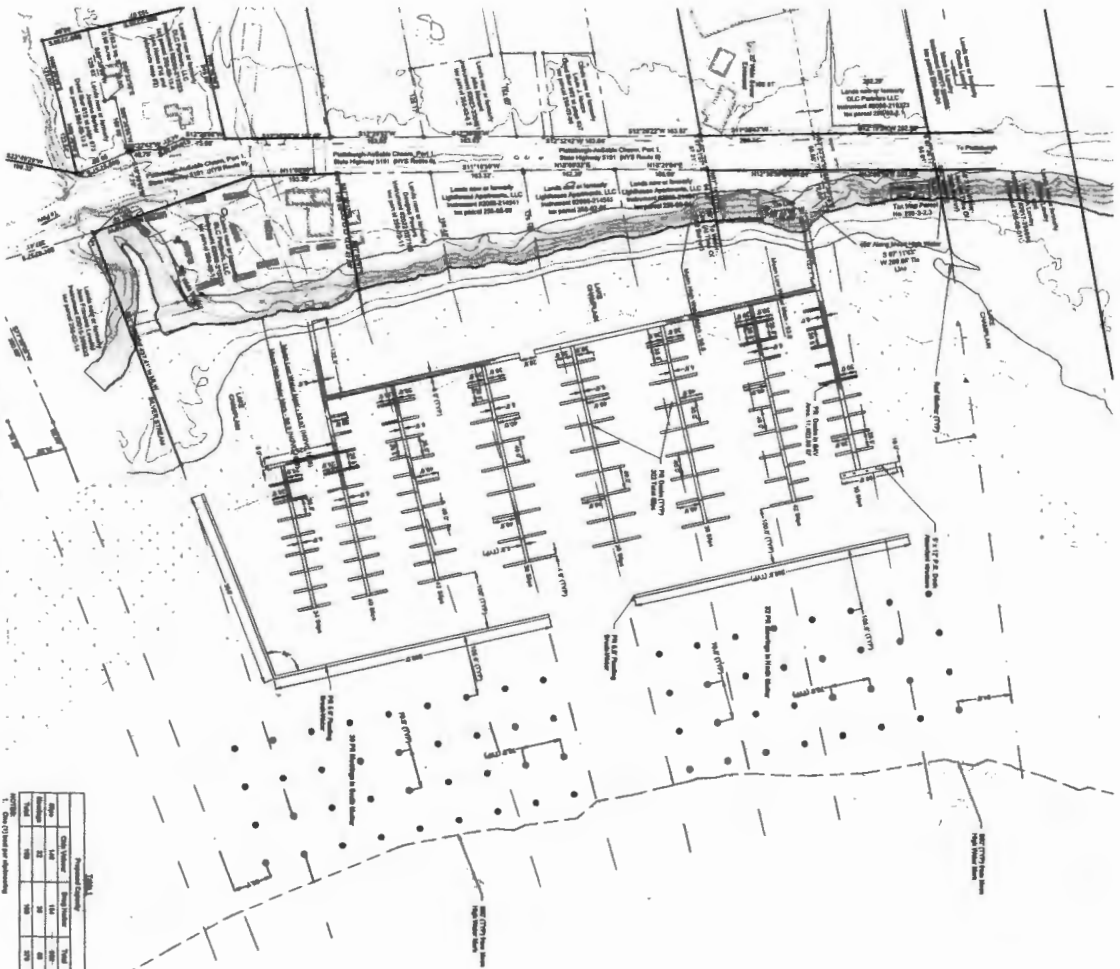


Table with 4 columns: Area, Length, Width, Area. Includes a note: 'Area (sq) based on building footprint'.

Table with 4 columns: Area, Length, Width, Area. Includes a note: 'Area (sq) based on building footprint'.

GRID NORTH HAD 83 MYR EAST ZONE-18



**Tax Map Reference:**  
 Section 28E, Block 02, Lot 2.3  
 Section 28E, Block 02, Lot 15  
 Town of Phoenicia, County of Chenay

- Legend:**
- 1889 zone
  - 20 housing
  - 30 housing
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**RMS**  
 REGISTERED PROFESSIONAL SURVEYOR  
 11 WASHINGTON STREET, PHOENICIA, NY 13850  
 518.583.8888

Prepared by:  
**Olde Velour & Snug**  
 Harbor Martini  
 Surveyors & Planners  
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 Phoenicia, NY 13850  
 518.583.8888

Project No: 2024-0152  
 Date: 10/11/2024  
 Scale: 1" = 100'  
 Sheet: 1 of 1  
 Title: Final

Approved Configuration:  
 C300

Checked: [Signature]  
 Date: 10/11/2024