


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>2023-0210</b></p>
<p>In the Matter of the Application of</p> <p><b>LAWRENCE H. STONE JAMES GERRITY, MOLLY S. GERRITY</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: November 8, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none"><li><b>1. Lawrence H. Stone</b></li><li><b>2. James Gerrity</b></li><li><b>3. Molly S. Gerrity</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit amends Permit 1998-0127 to authorize the construction of an accessory garage in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Jay, 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 frame for the garage has been constructed.

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 45.4±-acre parcel of land located on Lincoln Hill Road in the Town of Jay, Essex County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 27.4, Block 1, Parcel 16.110, and is described in a deed from John Van Buren and Cynthia Van Buren to Lawrence H. Stone, James Gerrity and Molly S. Gerrity, dated June 1, 2022, and recorded June 2, 2022 in the Essex County Clerk's Office at Book 2085, Page 135. Wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site was created as "Lot 16.1" in a two-lot subdivision authorized by permits 1998-0127, 1998-0127A and 1998-0127AR and is improved by a single family dwelling constructed pursuant to Agency Settlement Agreement E2007-0380 in 2017.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of an accessory garage.

The project is shown on the following plan:

- A hand-drawn plan titled "Site Plan – 91 Lincoln Hill Road" (Site Plan), prepared by Larry Stone, and dated June 4, 2023.

A reduced-scale copy of the Site Plan for the project is attached as a part of this permit for reference.

### **AGENCY JURISDICTION**

The project authorized by Permit 1998-0127 requires a permit pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, as a permit is required from the Adirondack Park Agency prior to any subdivision in a Resource Management land use area in the Adirondack Park.

This permit amends Condition 2 of Permit 1998-0127.

### **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 development remains 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 permits 1998-0127, 1998-0127A and 1998-0127AR and Settlement Agreement E2007-0380 in relation to the project site. The terms and conditions of permits 1998-0127, 1998-0127A and 1998-0127AR and Settlement Agreement E2008-0380 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 2023-0210, issued November 9, 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 construction of an accessory use garage in the location shown and as depicted on the Site Plan. The garage shall be no more than 30 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. Any change to the location, dimensions, or other aspect of the garage shall require prior written Agency authorization.
7. 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.
8. 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 Lincoln Hill Road or any adjoining property.
9. Within 150 feet of the property boundary along Lincoln Hill Road, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed without prior written Agency authorization, except for an area not to exceed 25 feet in width for maintenance of the existing driveway and utility installations. This condition shall not be deemed to prevent the removal of dead or diseased vegetation or of rotten or damaged trees or of other vegetation that presents a safety or health hazard.
10. There shall be no more than one principal building located on the project site at any time. The single family dwelling constructed on the property in 2017 constitutes a principal building.

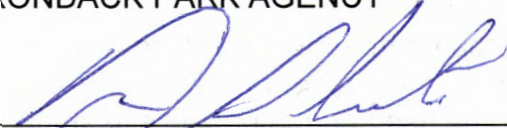
**CONCLUSIONS OF LAW**

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 Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management 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 9<sup>th</sup> day of November, 2023.

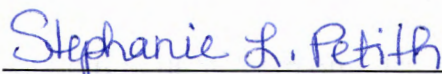
ADIRONDACK PARK AGENCY

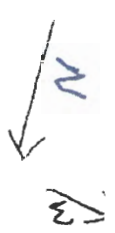
BY:   
David J. Plante, AICP CEP  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

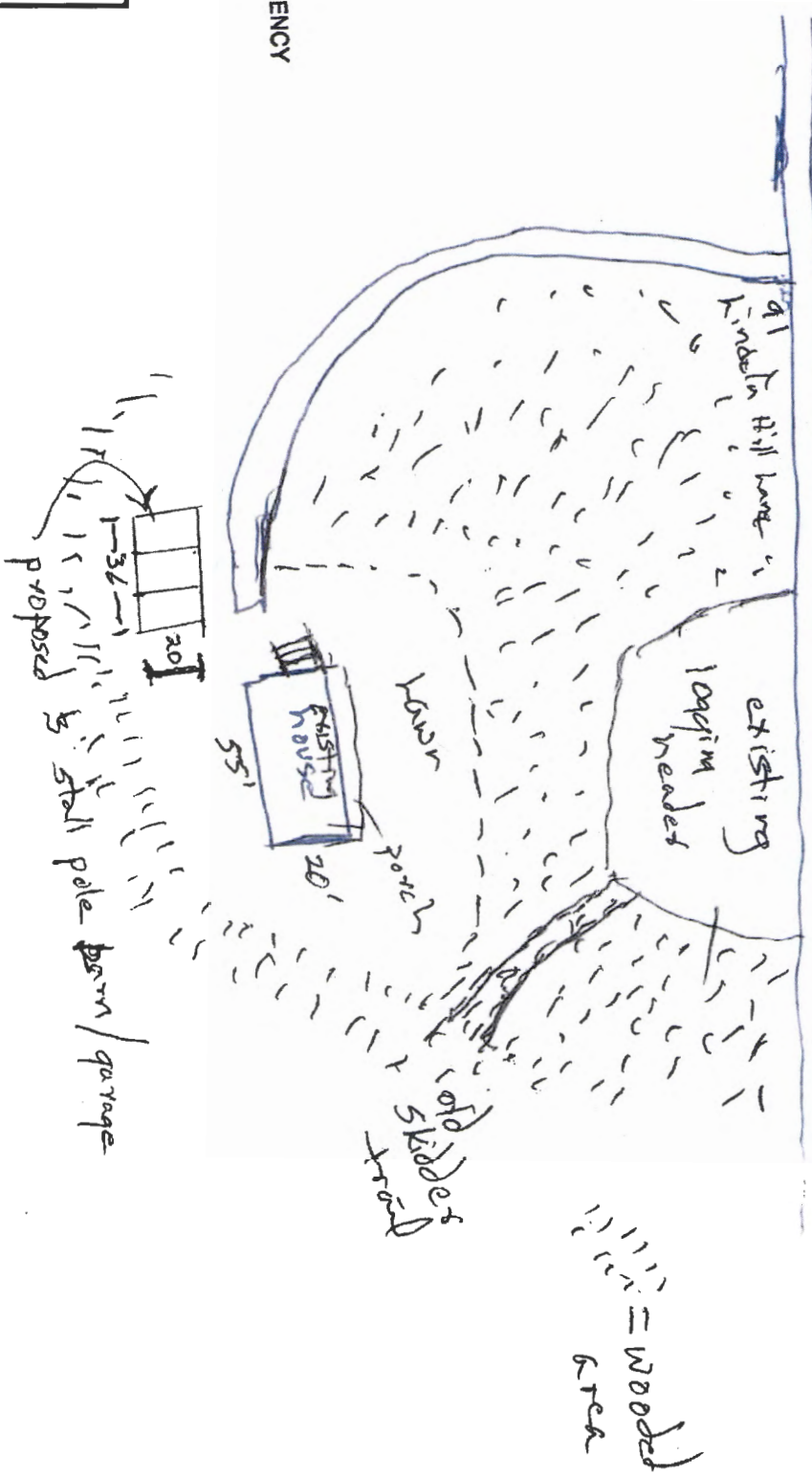
On the 9<sup>th</sup> day of November in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument 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.

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

  
Notary Public



Lincoln Hill lane



RECEIVED  
 ADIRONDACK PARK AGENCY  
 SEP 21 2023



Site Plan 91 Lincoln Hill

Drawn 6/4/23  
 Larry Stone