

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 2002-0128A
In the Matter of the Application of STEPHEN BRACE, PETER ZELINSKI, KATHRYN ZELINSKI, and JUDSON ZELINSKI Permittees for a permit pursuant to § 809 of the Adirondack Park Agency Act	Date Issued: June 5, 2026 To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. Stephen Brace 2. Peter Zelinski 3. Kathryn Zelinski 4. Judson Zelinski

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and construction of an accessory structure in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Moriah, 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 0.08±-acre lot authorized herein has been merged with the adjoining lot.

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 100.66± acres of land located on Tarbell Hill Road in the Town of Moriah, Essex County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is further identified as follows:

- 0.66±-acre Tax Map Section 97.13, Block 4 , Parcel 1.000, as described in a deed from Peter P. Zelinski, III and Suzanne M. Zelinski to Stephen J. Brace, dated October 27, 2002, and recorded November 19, 2002 in the Essex County Clerk's Office under Book 1342, Page 114; and
- 100±-acre Tax Map Section 97.13, Block 1, Parcel 25.100 as described in a deed from Peter P. Zelinski, and Suzanne M. Zelinski to Peter P. Zelinski, Suzanne M. Zelinski, and Judson P. Zelinski, dated August 20, 2020 and recorded October 1, 2020 in the Essex County Clerk's Office under Book 2004, Page 74.

The project site was created in a two-lot subdivision as authorized by Agency Permit 2002-0128.

The project site contains wetlands associated with Stony Brook. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

Tax Map Parcel 97.13-4-1.000 is improved by an existing single family dwelling, as authorized by Agency Permit 2002-0128. Tax Map Parcel 97.13-1-25.100 is improved by a 5 MW photovoltaic solar generation facility as authorized by Agency permits 2022-0266 and 2022-0226A.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the 100±-acre Tax Map Parcel 97.13-1-25.100 for the purpose of a 0.08-acre boundary line adjustment with adjoining 0.66±-acre Tax Map Parcel 97.13-4-1.000. The boundary line adjustment will allow for the construction of a garage on the resulting 0.74±-acre Tax Map Parcel 97.13-4-1.000.

The project is shown on a survey map titled "Map of Survey prepared for Stephen J. Brace," prepared by Kevin A. Hall, L.S., and dated May 4, 2026 (Site Plan).

A reduced-scale copy of the Site Plan 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 Low Intensity use lands that results in the creation of a non-shoreline lot smaller than 2.75 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 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. 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 Permit 2002-0128. The terms and conditions of Permit 2002-0128 shall no longer apply.
5. All conditions in Permit 2022-0266 and Permit 2022-0266A remain in full force and effect.
6. 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 2002-0128A, issued June 5, 2026, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
7. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted on the Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require prior written Agency authorization.
8. Within 30 days of conveyance of the 0.08-acre lot described herein, a new deed shall be filed in the Essex County Clerk's office describing the 0.08-acre lot and Tax Map Parcel 97.13-4-1.000 as a single, un-divided lot. Any future subdivision of this un-divided lot shall require a new or amended permit.
9. Subject to the conditions stated herein, this permit authorizes the construction of one garage on the 0.74-acre Tax Map Parcel 97.13-4-1.000 in the location and footprint shown on the Project Plan. The garage shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. Any expansion beyond these dimensions shall require prior written Agency authorization.

10. The construction of any dwelling or other principal building on Tax Map Parcel 97.13-1-25.100 shall require prior written Agency authorization.
11. All wastewater treatment infrastructure on the project site shall be connected to and served by the municipal wastewater treatment system.
12. 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.
13. Any new free-standing or building-mounted outdoor lights associated with the garage authorized herein shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Tarbell Hill Road or adjoining property.
14. There shall be no more than one principal building located on the 0.74-acre Tax Map Parcel 97.13-4-1.000 at any time. The single family dwelling constructed on the property in 2002 constitutes a principal building.
15. There shall be no more than 29 principal buildings located on Tax Map Parcel 97.13-1-25.100. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

CONCLUSIONS OF LAW

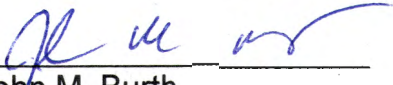
The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision authorized as conditioned herein:

- 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 Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low 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.

Dated: June 5th, 2026

Ray Brook, New York

ADIRONDACK PARK AGENCY

By: 
John M. Burth
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 5th day of June in the year 2026, before me, the undersigned, a Notary Public in and for said State personally appeared John M. Burth, 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 PETITH
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Essex County
Commission Expires April 15, 2029

