

STATE OF NEW YORK: ADIRONDACK PARK AGENCY

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In the matter of the apparent
violation of Section 809(2)(a)
of the Adirondack Park Agency
Act and 9 NYCRR Part 577 on
lands owned by:

SETTLEMENT AGREEMENT
Agency File E2017-0029

WARREN COUNTY

Respondent, on property located in
the Town of Warrensburg, Warren County
(22± Acre Portion of Tax Map Parcel 198.-1-14)
LUA: Resource Management

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WHEREAS:

1. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act ("APA Act"), a permit is required from the Adirondack Park Agency prior to the undertaking of any campground on Resource Management lands in the Adirondack Park.
2. Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any new land use or development on Resource Management lands within any designated recreational river area in the Adirondack Park.
3. Tax Map Parcel 198.-1-14 ("Lot 14"), shown on the map attached hereto as Exhibit A, is an approximately 67-acre parcel located on Resource Management and Low Intensity Use lands within the Schroon River Designated Recreational River Area.

Respondent is the current owner of Lot 14, as described in a deed recorded in Book C, Page 358, in the Warren County Clerk's Office.

4. An approximately 22-acre portion of Lot 14 is located on Resource Management lands east of Schroon River Road and south of County Homebridge Road, with shoreline on the Schroon River. This 22-acre portion of Lot 14 is improved by a pre-existing commercial use fairground.
5. Agency investigation reveals that, since approximately 2007, Respondent began using the approximately 22-acre portion of Lot 14 described in Paragraph 4 above as a campground.

No permit was obtained from the Agency prior to the undertaking of this campground.

6. On March 29, 2017, Agency staff received proposed plans from Adirondack Tent Safari Co. for operation of a campground consisting of 29 tent sites on the approximately 22-acre portion of Lot 14 described in Paragraph 4 above from June 1, 2017 through September 30, 2017.
7. Respondent desires to resolve this matter and agrees to be bound by the terms of this Settlement Agreement.

NOW, THEREFORE, THE AGENCY AND RESPONDENT AGREE AS FOLLOWS:

8. By June 1, 2018, Respondent shall either obtain an after-the-fact permit from the Agency authorizing the continued use of Lot 14 as a campground or Respondent shall cease operating the campground on Lot 14.
9. Any permit application for authorization of a campground on Lot 14 shall be reviewed pursuant to the terms of this Settlement Agreement, based on the substantive review criteria set forth in §809(10) of the APA Act. The application shall be submitted to the Agency, Attn: Enforcement Program. The procedural requirements of §809 of the APA Act and Agency regulations at 9 NYCRR Part 572 shall only apply as noted herein.

Agency staff may conduct site inspections related to the application throughout the review process with prior notice to Respondent. Respondent shall cooperate in responding to any Agency staff request for information related to an application within 60 days unless otherwise agreed to by the Agency and Respondent. Agency staff may request a modification of Respondent's application, and Respondent may agree to modify their application based on such a request. Agency staff may transmit notice of Respondent's application to adjoining landowners, allowing them to submit written comments to the Agency.

Based on the information provided by Respondent, any public comment, and Agency staff's review, the Deputy Director for Regulatory Programs may exercise his authority pursuant to 9 NYCRR Part 572 to issue a permit authorizing Respondent's proposed project, or a modification thereof, subject to appropriate conditions. Thereafter, Respondent shall have the rights of administrative appeal and judicial review allowed by law. Any administrative appeal or request for amendment or renewal of Respondent's permit shall be governed by the procedures set forth in 9 NYCRR Part 572.

If Respondent's application is not approvable based on Agency staff's review, the Agency will not take further enforcement action against Respondent regarding this matter, provided Respondent ceases operation of the campground on Lot 14.

10. All activities on Lot 14 shall occur in compliance with the requirements of the Freshwater Wetlands Act, the Wild, Scenic and Recreational Rivers System Act, and the Adirondack Park Agency Act. The Agency makes no representation herein as to the approvability of any proposed activity on Lot 14, except that no further Agency approval is required for the use of the 22± acre portion of Lot 14 described in Paragraph 4 as a campground from June 1, 2017 through September 30, 2017, including the proposal by Adirondack Tent Safari Co. described in Paragraph 6 above.
11. There shall be no new structures on Lot 14 within 150 feet of the mean high water mark of the Schroon River.
12. The violation cited herein is continuing, but shall be deemed resolved so long as Respondent remains in compliance with the terms of this Settlement Agreement.

Exhibit A: annotated portion of tax map

AGREEMENT

Respondent agrees to the terms set forth in this Settlement Agreement to resolve the matter of Adirondack Park Agency File E2017-0029.

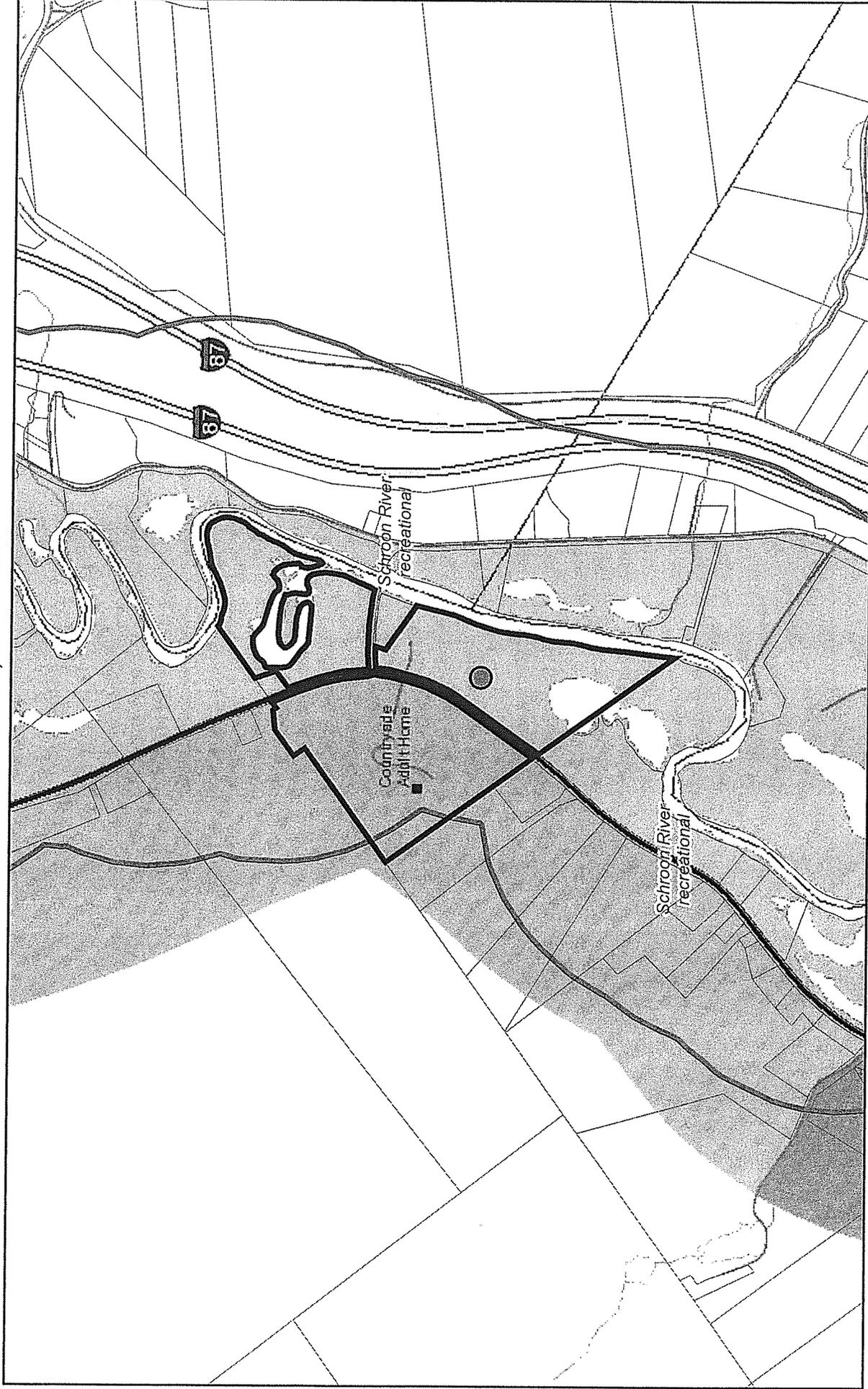
By: _____
Warren County, Representative

State of)
) ss:
County of)

On the _____ day of _____ in the year _____, before me, the undersigned, a Notary Public in and for said State personally appeared _____, 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 he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

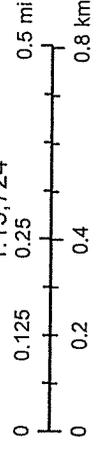
E2017-0029, Exhibit A



April 6, 2017 This is advisory only, not to be used to confirm exact boundary location or for determining Agency jurisdiction.

- Parcels 2015
- Wild River Buffer
- Scenic River Buffer
- Recreational River Buffer
- Study River Buffer
- Park Boundary Blueline

1:15,724



NYS Adirondack Park Agency