

THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</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 2020-0182</p>
<p>In the Matter of the Application of</p> <p>DAVID ROGGE & MARIANNE ROGGE Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: July 25, 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">1. David Rogge2. Marianne Rogge

SUMMARY AND AUTHORIZATION

This permit authorizes a dock expansion and shoreline retaining wall replacement in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Fort Ann, Washington County.

This authorization shall expire unless recorded in the Washington 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 Washington County Clerk's Office. The Agency will consider the project in existence when erosion control is 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 1.0±-acre parcel of land located on Baker Lane in the Town of Fort Ann, Washington 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 73.13, Block 1, Parcel 16, and is described in a deed from Bernard C. Rogge to David Rogge and Marianne Rogge, dated December 31, 2003, and recorded in the Washington County Clerk's Office under Book 956, Page 155.

The project site contains shoreline on Lake George and Value "4" deep water marsh and sparse emergent marsh vegetation covertypes within 20-25 feet from the shoreline. Additional wetlands not described herein may be located on or adjacent to the project site.

The project site is improved by a single family dwelling and accessory structures.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of a retaining wall and a dock. The project will involve the loss of approximately 270 square feet of wetlands. The project is shown on the following maps, plans, and reports:

- Annotated "Marianne & David Rogge Replacement Sea Wall/Dock System," in eight sheets, completed by RU Holmes Engineers, PLLC; dated April 6, 2023, and received by the Agency on April 14, 2023 (Site Plans).

A reduced-scale copy of Sheet 3 of the Site Plans 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 and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any deposit of fill in or excavation of a wetland 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 Washington 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 dock and retaining wall remains on the site. Copies of this permit and the Site 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. 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 2020-0182, issued July 25, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. This permit authorizes the construction of docks with mesh decking and the retaining wall as depicted and described on the Site Plans. Any change to the location, dimensions, or other aspect of the construction of the docks and the retaining wall shall require prior written Agency authorization.
6. Prior to any soil disturbance on the project site, silt fence shall be installed as described and as depicted on the Site Plans.
7. Prior to any lakebed disturbance on the project site, a coffer dam and a turbidity curtain shall be installed as described and as depicted on the Site Plans. Excavated materials shall remain on the project site as depicted and as described on the Site Plans.
8. 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.
9. Any new free-standing or building-mounted outdoor lights associated with the docks and retaining wall 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 George, Baker Lane or adjoining properties.
10. All trees, shrubs, grasses and flowers depicted on the Site Plans shall be planted no later than the first spring or fall planting season after final grading related to the construction of the retaining wall on the project site. Trees, shrubs, grasses and flowers that do not survive shall be replaced annually until established in a healthy growing condition.
11. The undertaking of any activity involving wetlands not authorized herein shall require a new or amended permit.

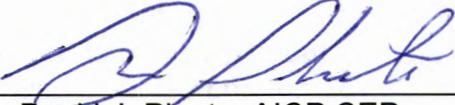
CONCLUSIONS OF LAW

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 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;
- 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. is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this 25th day of July, 2023.

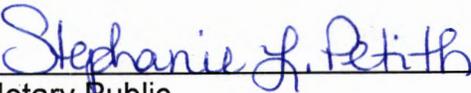
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 25th day of July 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

