


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>2021-0261</b></p>
<p>In the Matter of the Application of</p> <p><b>SCRIMSHAW ESTATES HOMEOWNERS ASSOCIATION, INC.</b> Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: March 2, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <p><b>1. Scrimshaw Estates Homeowners' Association, Inc.</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes the following activities involving wetlands: the dredging of lands below the mean high water mark of Lake George and the reconfiguring of an existing dock in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Lake George, Warren County.

This authorization shall expire unless recorded in the Warren 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 Agency will consider the project in existence when the permit has been recorded.

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 2.4±-acre parcel of land in the Town of Lake George, Warren County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 251.11, Block 2, Parcel 2, and is described in a deed from Thomas J. Farone & Son, Inc. to Scrimshaw Estates Homeowner's Association, Inc, dated September 30, 1987, and recorded in the Warren County Clerk's Office under Book 701, Page 174. The project site was authorized as a subdivision lot by Agency Permit P83-99.

The project site contains shoreline on Lake George and deciduous swamp/shrub swamp, emergent marsh and deepwater marsh wetlands with a value rating of "2". Additional wetlands not described herein or depicted on the Site Plans may be located on or adjacent to the project site.

The project site is improved by a private subdivision road authorized by Permit 83-99 known as Scrimshaw Lane, a shoreline access pathway and adjacent boardwalk, accessory structures, and a dock. Different configurations of the dock were authorized by Agency permits 85-1063A through E.

Agency Permit 2020-0056 authorized the dredging of an area approximately 11,450 square feet in size below the mean high water mark of Lake George. The dredging authorized by Permit 2020-0056 was never undertaken.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the dredging of 7,800± square feet of sediment in wetlands below the mean high water mark of Lake George. To allow for this dredging, a temporary access road will be installed in the general location of the existing shoreline access pathway; installation of this temporary access road will involve impacts to 1,280± square feet of wetlands above the mean high water mark. After completion of the dredging, the 7,800± square feet of wetlands below the mean high water mark of Lake George will be allowed to restore naturally, and the 1,280± square feet of wetlands above the mean high water mark will be restored as described and depicted on the Site Plans.

The project also involves re-configuration of the dock on the site.

The project is shown on the following maps, plans, and reports:

- "Existing Conditions Map," "Working Condition Plan," and "Final Conditions Plan" (Site Plans), dated November 8, 2022, received by the Agency on November 9, 2022, and prepared by Griggs-Lang Consulting Geologists and Engineers, P.C.;
- "Scrimshaw Homeowners Association," in four sheets (Dock Plans), dated January, 2022, received by the Agency on February 10, 2022, and prepared by The Dock Doctors and C. Migliaro; and
- "Scrimshaw Ventures Homeowners," in three sheets (Cross Section Plans), dated February, 2022, received by the Agency on February 10, 2022, and prepared by Griggs-Lang Consulting Geologists and Engineers, P.C.

A reduced-scale copy 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 Warren 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 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. This permit amends and supersedes Agency Permits 1983-0099, 1985-1063A through E, and 2020-0056 in relation to the project site. The terms and conditions of Agency Permits 1983-0099, 1985-1063A-E, and 2020-0056 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 2021-0261, issued March 2, 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 dredging of lands below the mean high water mark of Lake George and the reconfiguration of the dock in the locations shown and as depicted and described on the Site Plans, Dock Plans, and Cross Section Plans. Any change to the location, dimensions, or other aspect of the project shall require prior written Agency authorization.
7. Erosion and sediment control, including "Silt Fence," "Temp. Conc Blocks," "Construction fence," and "Turbidity curtain," shall be installed as depicted on the Working Condition Plan and as described on the Existing Conditions Map prior to any surface or inwater disturbance. In addition, the entire "De-water Area Below OHWM" as depicted on the Working Condition Plan shall be fully enclosed by silt fence prior to any inwater disturbance.

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. While the temporary access road remains in place, within wetlands outside of the "Silt Fence" and "Construction Fence" as depicted on the Working Condition Plan, no trees, shrubs, or other woody stemmed vegetation shall be cut, culled, trimmed, pruned, or otherwise removed or disturbed without prior written Agency authorization. After completion of the dredging authorized herein, outside of the "Existing Path," "Boardwalk," and "Beach" shown on the Final Conditions Plan, no trees, shrubs, or other woody stemmed vegetation shall be cut, culled, trimmed, pruned, or otherwise removed or disturbed within wetlands 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. Following installation of the two 8-inch PE Culvert Yard Drains depicted on the Final Conditions Plan and removal of the planking, geotextile, and erosion and sediment control measures described on the Construction Plan portion of the Existing Conditions Map, all trees and shrubs listed on the Final Conditions Plan shall be planted in the wetland restoration areas and the areas seeded and mulched as described on the Wetland Restoration Plan portion of the Final Conditions Plan. This planting, seeding, and mulching shall occur no later than the first spring or fall planting season after completion of the dredging authorized herein. Photographs depicting the wetland restoration areas shall be submitted to the Agency by December 31 of the year in which the trees and shrubs are planted. Plantings that do not survive shall be replaced annually until established in a healthy growing condition.
11. There shall be no fill placed in wetlands on the project site outside of the "Existing Path," "Boardwalk," and "Beach" shown on the Final Conditions Plan, except as authorized herein. The undertaking of any activity involving wetlands not authorized herein shall require a new or amended permit.
12. 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 Scrimshaw Lane, Lake George, or adjoining properties.
13. All new signs on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
14. Any change to Scrimshaw Lane or any structure on the project site, except as 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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Lake George;
- b. 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;
- c. 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
- d. will result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.

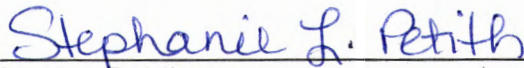
PERMIT issued this 2nd day  
of March, 2023.

ADIRONDACK PARK AGENCY

BY:   
John M. Burth  
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

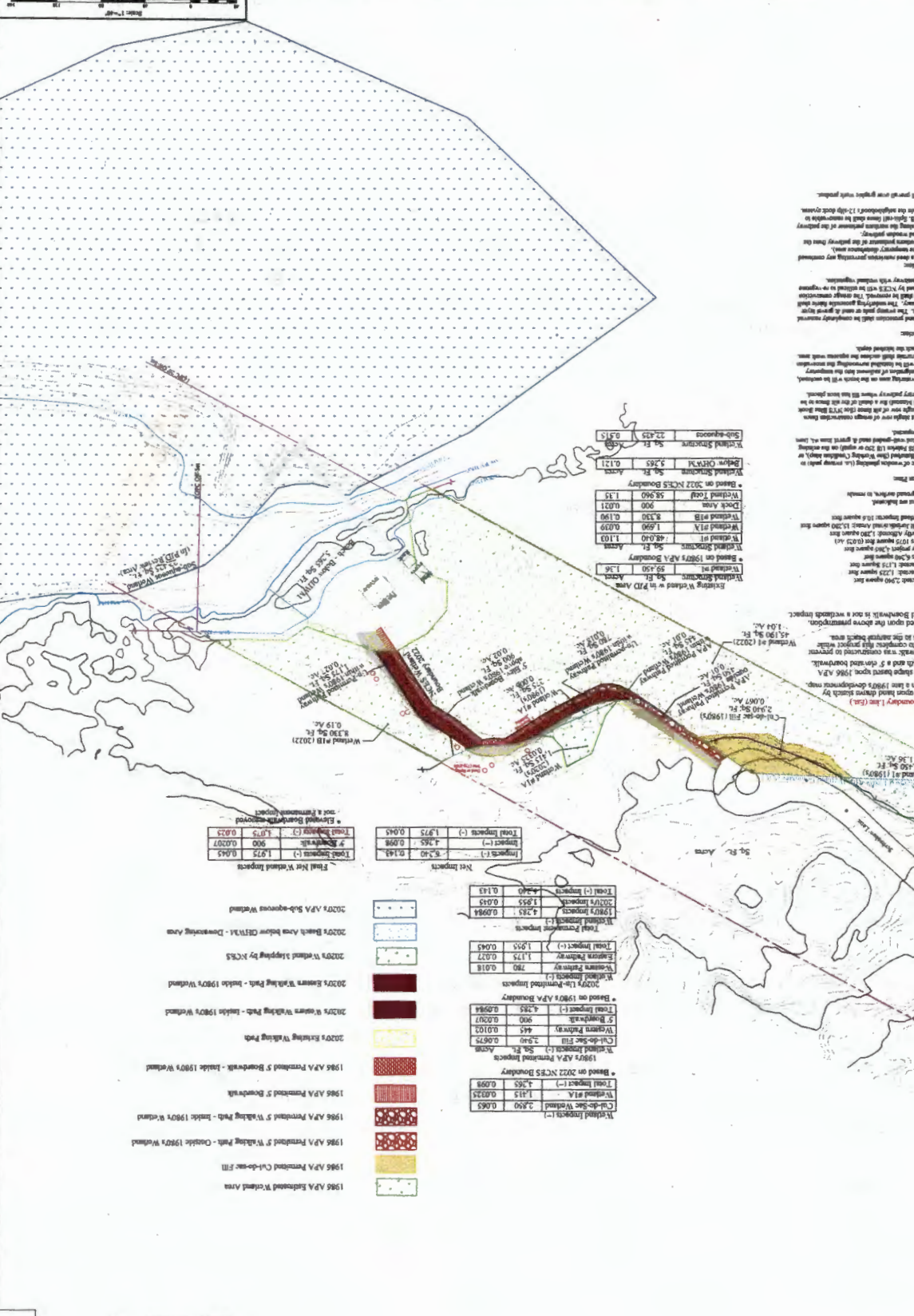
On the 2nd day of March in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged 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.

  
Notary Public

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

This map displays the results of a wetland determination performed in accordance with the National Wetlands Inventory (NWI) criteria as of the date of field data collection. The determination was made by a certified wetland biologist. The map shows wetlands that are subject to Federal regulation under the Clean Water Act (CWA) and the Migratory Bird Conservation Act (MBCA). Wetlands that are not subject to Federal regulation are shown in white. Wetlands that are subject to Federal regulation are shown in various colors and patterns. The map also shows the boundaries of the Wetland of Public Interest (WPI) and the Wetland of Community Interest (WCI).

Legend	Description
(Pattern)	Wetland of Public Interest (WPI)
(Pattern)	Wetland of Community Interest (WCI)
(Pattern)	Wetland of State Interest (WSI)
(Pattern)	Wetland of Local Interest (WLI)
(Pattern)	Wetland of No Interest (WNI)
(Pattern)	Wetland of Other Interest (WOI)
(Pattern)	Wetland of Unknown Interest (WUI)
(Pattern)	Wetland of Inconclusive Interest (WII)
(Pattern)	Wetland of Unassessable Interest (WUAI)
(Pattern)	Wetland of Unavailable Interest (WUII)
(Pattern)	Wetland of Undeveloped Interest (WUDI)
(Pattern)	Wetland of Undesignated Interest (WUDI)
(Pattern)	Wetland of Unregulated Interest (WUI)
(Pattern)	Wetland of Unsurveyed Interest (WUI)
(Pattern)	Wetland of Unavailable Data (WUI)
(Pattern)	Wetland of Unavailable Information (WUI)
(Pattern)	Wetland of Unavailable Resources (WUI)
(Pattern)	Wetland of Unavailable Services (WUI)
(Pattern)	Wetland of Unavailable Facilities (WUI)
(Pattern)	Wetland of Unavailable Infrastructure (WUI)
(Pattern)	Wetland of Unavailable Transportation (WUI)
(Pattern)	Wetland of Unavailable Communications (WUI)
(Pattern)	Wetland of Unavailable Energy (WUI)
(Pattern)	Wetland of Unavailable Materials (WUI)
(Pattern)	Wetland of Unavailable Information (WUI)
(Pattern)	Wetland of Unavailable Resources (WUI)
(Pattern)	Wetland of Unavailable Services (WUI)
(Pattern)	Wetland of Unavailable Facilities (WUI)
(Pattern)	Wetland of Unavailable Infrastructure (WUI)
(Pattern)	Wetland of Unavailable Transportation (WUI)
(Pattern)	Wetland of Unavailable Communications (WUI)
(Pattern)	Wetland of Unavailable Energy (WUI)
(Pattern)	Wetland of Unavailable Materials (WUI)



RECEIVED  
 Park Agency  
 DATE: November 9, 2022

FINAL  
 P2021-0281  
 Park Agency

**Net Impacts**

Total Impacts (-)	1,975	0.045
Impact (-)	1,965	0.098
Impact (+)	6,340	0.149

**Total Permitted Impacts**

1987 A/P Permitted Impacts	2,250	0.064
1987 A/P Sub-agency Wetland	1,855	0.045
Total (-) Impacts	4,105	0.113

**Based on 2022 NCEIS Boundary**

1987 A/P Permitted Impacts	2,250	0.064
1987 A/P Sub-agency Wetland	1,855	0.045
Total (-) Impacts	4,105	0.113

**Based on 1987 A/P Boundary**

1987 A/P Permitted Impacts	2,250	0.064
1987 A/P Sub-agency Wetland	1,855	0.045
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**Total Permitted Impacts**

1987 A/P Permitted Impacts	2,250	0.064
1987 A/P Sub-agency Wetland	1,855	0.045
Total (-) Impacts	4,105	0.113

**Final Net Wetland Impacts**

Total Impacts (-)	1,975	0.045
Impact (-)	1,965	0.098
Impact (+)	6,340	0.149

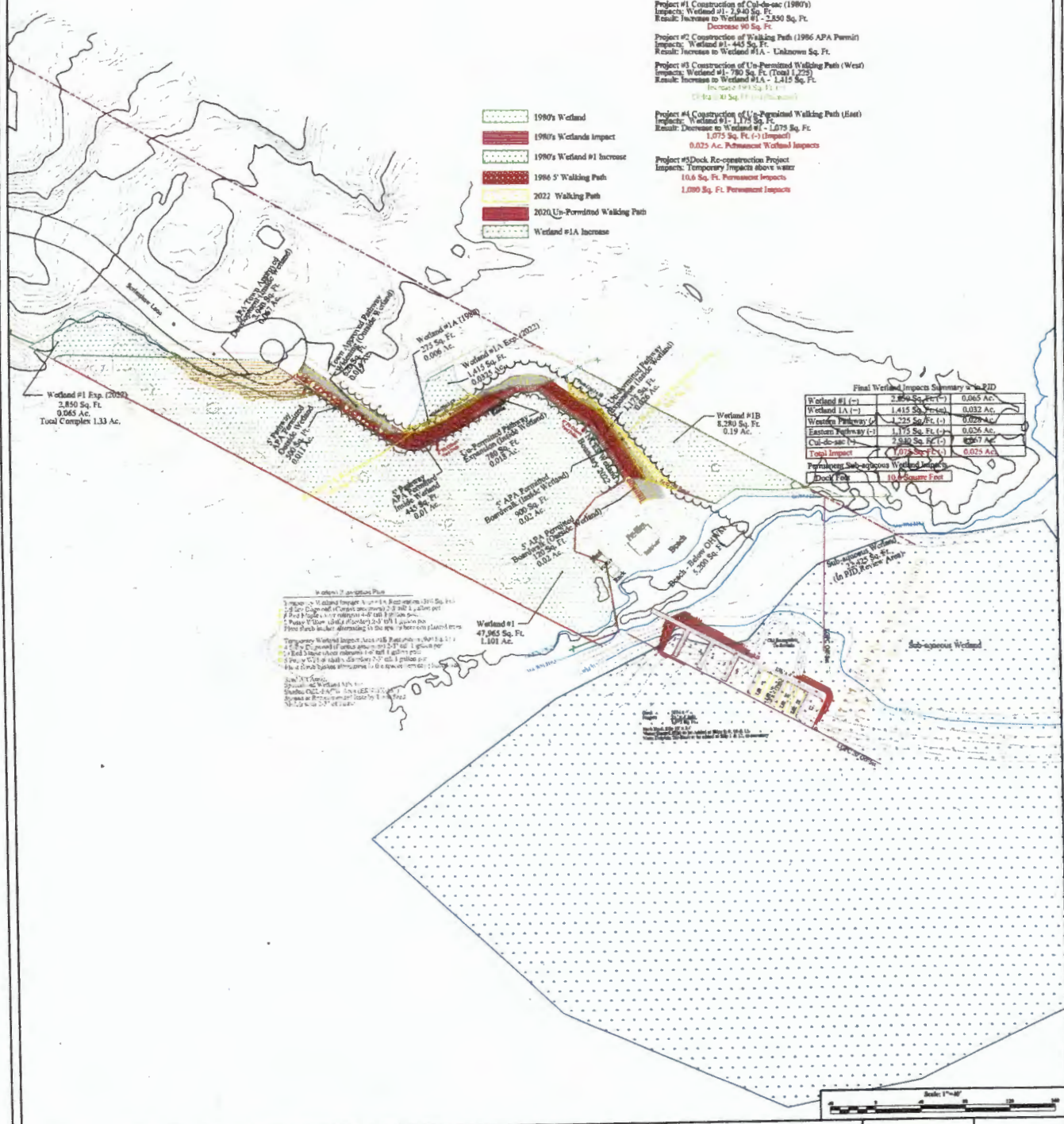
  

**Elevated Boundaries Approved**

Total Impacts (-)	1,975	0.045
Impact (-)	1,965	0.098
Impact (+)	6,340	0.149

- (Pattern) 1986 APA Redwood Wetland Area
- (Pattern) 1986 APA Permitted C/d-dac Fill
- (Pattern) 1986 APA Permitted 5' Wetland Pmh. - Outside 1987 Wetland
- (Pattern) 1986 APA Permitted 5' Wetland Pmh. - Inside 1987 Wetland
- (Pattern) 1986 APA Permitted 5' Wetland Pmh. - Inside 1987 Wetland
- (Pattern) 2020s Existing Wetland Pmh.
- (Pattern) 2020s Wetland Staging by NCEIS
- (Pattern) 2020s Bank Area Below CDTMA - Downstream Area
- (Pattern) 2020s A/P Sub-agency Wetland

P2021-0281  
 FINAL  
 Park Agency



**Summary Of Wetland History**

**Project #1 Construction of Col-de-sac (1980's)**  
 Impacts: Wetland #1 - 2,850 Sq. Ft.  
 Result: Increase to Wetland #1 - 2,850 Sq. Ft.  
 Decrease 90 Sq. Ft.

**Project #2 Construction of Walking Path (1986 APA Permit)**  
 Impacts: Wetland #1 - 443 Sq. Ft.  
 Result: Increase to Wetland #1A - Unknown Sq. Ft.

**Project #3 Construction of Un-Permitted Walking Path (West)**  
 Impacts: Wetland #1 - 780 Sq. Ft. (Total 1,225)  
 Result: Increase to Wetland #1A - 1,415 Sq. Ft.  
 Increase 90 Sq. Ft. (1,415 - 1,225)

**Project #4 Construction of Un-Permitted Walking Path (East)**  
 Impacts: Wetland #1 - 1,175 Sq. Ft.  
 Result: Decrease to Wetland #1 - 1,075 Sq. Ft.  
 1,075 Sq. Ft. (-) Impact  
 0.025 Ac. Advanced Wetland Impacts

**Project #5 Dock Re-construction Project**  
 Impacts: Temporary Impacts above water  
 1,000 Sq. Ft. Permanent Impacts  
 1,000 Sq. Ft. Permanent Impacts

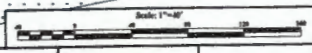
-  1980's Wetland
-  1980's Wetlands Impact
-  1980's Wetland #1 Increase
-  1986 S' Walking Path
-  2022 Walking Path
-  2020 Un-Permitted Walking Path
-  Wetland #1A Increase

**Final Wetland Impact Summary - e-RID**

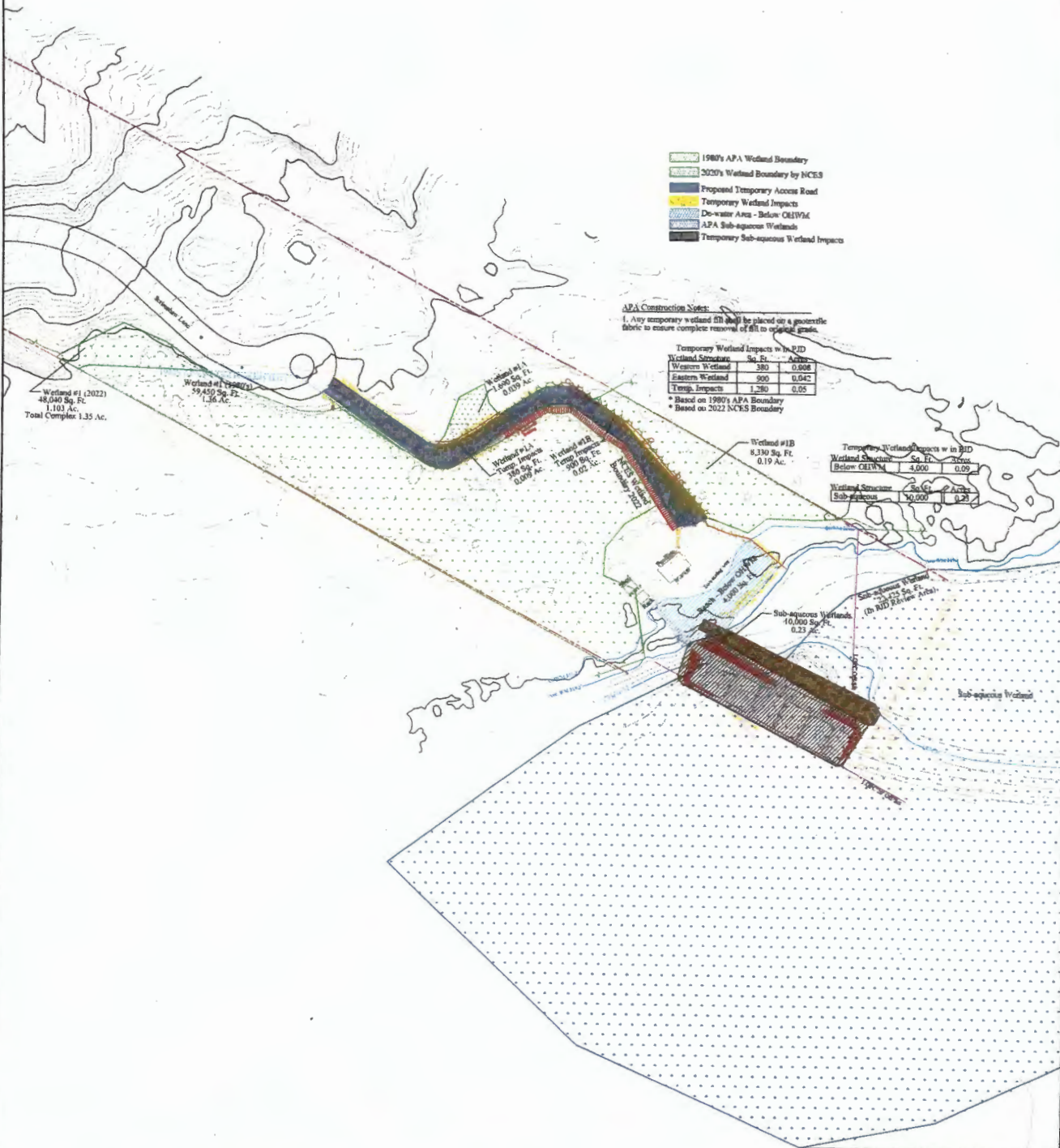
Wetland #1 (-)	2,850 Sq. Ft. (-)	0.065 Ac.
Wetland 1A (-)	1,415 Sq. Ft. (-)	0.032 Ac.
Walking Pathway (-)	1,225 Sq. Ft. (-)	0.028 Ac.
Eastern Pathway (-)	1,175 Sq. Ft. (-)	0.026 Ac.
Col-de-sac (-)	2,850 Sq. Ft. (-)	0.067 Ac.
<b>Total Impact</b>	<b>(0,715 Sq. Ft. (-))</b>	<b>(0.025 Ac.)</b>
Permanent Sub-aqueous Wetland Impact		
Dock (-)	1,000 Square Feet	

**Wetland #1 Impact Plan**

1. Impact - Wetland Impact Area (WIA) 47,965 Sq. Ft.  
 2. 2022 Proposed Wetland Impact Area (WIA) 47,965 Sq. Ft.  
 3. 2020 Proposed Wetland Impact Area (WIA) 47,965 Sq. Ft.  
 4. 1986 Proposed Wetland Impact Area (WIA) 47,965 Sq. Ft.  
 5. 1980 Proposed Wetland Impact Area (WIA) 47,965 Sq. Ft.  
 6. 1980 Proposed Wetland Impact Area (WIA) 47,965 Sq. Ft.  
 7. 1980 Proposed Wetland Impact Area (WIA) 47,965 Sq. Ft.  
 8. 1980 Proposed Wetland Impact Area (WIA) 47,965 Sq. Ft.  
 9. 1980 Proposed Wetland Impact Area (WIA) 47,965 Sq. Ft.  
 10. 1980 Proposed Wetland Impact Area (WIA) 47,965 Sq. Ft.



<b>Scrimsaw Ventures HOA</b> Scrimsaw - Racine Lake George Boat Re-Construction Project Village of Lake George, Warren County, New York  <b>Final Conditions Plan</b>	<b>MAP REVISIONS</b>	<b>DATE</b>	<b>DETAILS</b>	<b>LEGEND</b>	<b>NECESSARY PROJECT APPROVALS:</b> Lake George Park Commission Village of Lake George Planning and Zoning Office of General Services NY State Department of Environmental Conservation Adirondack Park Agency Army Corps of Engineers Department of Environmental Conservation, Region 1	Unsubstantiated allegations or addition to this map is a violation of Section 7200, Sub-section 2 of the New York State Education Law.  Only copies from the original of this map bearing an original signature and the indicated end of the program shall be considered to be true and valid copies.	I.C. No: 079117 Mark Vanden 10 Beachers Lane Road Ballston Spa, New York 12020
	<b>MAP REVISIONS</b>	<b>DATE</b>	<b>DETAILS</b>	<b>LEGEND</b>	<b>NECESSARY PROJECT APPROVALS:</b> Lake George Park Commission Village of Lake George Planning and Zoning Office of General Services NY State Department of Environmental Conservation Adirondack Park Agency Army Corps of Engineers Department of Environmental Conservation, Region 1	Unsubstantiated allegations or addition to this map is a violation of Section 7200, Sub-section 2 of the New York State Education Law.  Only copies from the original of this map bearing an original signature and the indicated end of the program shall be considered to be true and valid copies.	I.C. No: 079117 Mark Vanden 10 Beachers Lane Road Ballston Spa, New York 12020



- 1980's APA Wetland Boundary
- 2020's Wetland Boundary by NCEB
- Proposed Temporary Access Road
- Temporary Wetland Impacts
- De-water Area - Below OELWd
- APA Sub-aquatic Wetlands
- Temporary Sub-aquatic Wetland Impacts

**APA Construction Notes:**  
 1. Any temporary wetland fill shall be placed on a geotextile fabric to ensure complete removal of fill to original grade.

Temporary Wetland Impacts w/ In-RID

Wetland Structure	Sq. Ft.	Acres
Western Wetland	380	0.008
Eastern Wetland	900	0.021
Temp. Impacts	1,250	0.03

• Based on 1980's APA Boundary  
 • Based on 2022 NCEB Boundary

Temporary Wetland Impacts w/ In-RID

Wetland Structure	Sq. Ft.	Acres
Below OELWd	4,000	0.09
Wetland Structure	30,000	0.7
Sub-aquatic	10,000	0.23

Wetland #1 (2022)  
 48,040 Sq. Ft.  
 1.103 Ac.  
 Total Complex 1.35 Ac.

Wetland #1 (1980's)  
 59,450 Sq. Ft.  
 1.36 Ac.

Wetland #1A  
 1,400 Sq. Ft.  
 0.032 Ac.

Wetland #1B  
 8,330 Sq. Ft.  
 0.19 Ac.

Wetland #1C  
 1,000 Sq. Ft.  
 0.023 Ac.

Sub-aquatic Wetlands  
 10,000 Sq. Ft.  
 0.23 Ac.

Sub-aquatic Wetland  
 125 Sq. Ft.  
 (In-RID) 0.003 Ac.



MAP REVISIONS	BY		DATE		DETAILS	LEGEND	NECESSARY PROJECT APPROVALS:	UNRESOLVED SITUATION OR ADDITION TO THIS MAP IS A VIOLATION OF SECTION 7028, SUB-DIVISION 2 OF THE NEW YORK STATE NATURE CONSERVATION LAW.	ONLY REVISIONS FROM THE ORIGINAL OF THIS MAP BEARING AN ORIGINAL ALIGNMENT AND THE UNDERLINED WORD OF THE PROPERTY SHALL BE CONSIDERED TO BE TRUE AND VALID COPIES.
	NO.	DESCRIPTION	DATE	BY					
1	Prepared in Compliance with ADP/ADCE	File #1, 2022	DATE	BY	DATE	BY	Adirondack Park Agency		
2	Prepared in Compliance with ADP/ADCE	File #2, 2022	DATE	BY	DATE	BY	Adirondack Park Agency		
3	Prepared in Compliance with ADP/ADCE	File #3, 2022	DATE	BY	DATE	BY	Adirondack Park Agency		
4	Prepared in Compliance with ADP/ADCE	File #4, 2022	DATE	BY	DATE	BY	Adirondack Park Agency		
5	Prepared in Compliance with ADP/ADCE	File #5, 2022	DATE	BY	DATE	BY	Adirondack Park Agency		

**Scrimshaw Ventures HOA**  
 Scrimshaw Estates  
 Lake George State Park-Clearwater Project  
 Village of Lake George, Warren County, New York  
**Working Conditions Plan**  
 Original Map Created by: [Name]  
 Checked by: [Name]  
 Date: [Date]

Lic. No. 079117  
 Mark Vucelja  
 10 Dryden Lane Road  
 Dryden, NY, New York 13750