


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 2022-0295</p>
<p>In the Matter of the Application of</p> <p>BRUCE R. BROWNELL Permittee</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: December 21, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Bruce R. Brownell</p>

SUMMARY AND AUTHORIZATION

This permit authorizes installation of an on-site wastewater treatment system in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Edinburg, Saratoga County.

This authorization shall expire unless recorded in the Saratoga 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 Saratoga County Clerk's Office. The Agency will consider the project in existence when the permit is 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 4.78-acre parcel of land located on Airport Road in the Town of Edinburg, Saratoga County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 67, Block 1, Parcel 31.11, and is a portion of land described in a deed from Victor Brownell and Elizabeth Brownell to Bruce R. Brownell, dated July 8, 1960, and recorded in the Saratoga County Clerk's Office under Book 692, Page 207.

The project site also contains coniferous swamp and deciduous swamp covertime wetlands associated with Beecher Creek and a perennial tributary with a value rating of "2". Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site is comprised of "Lot 1" and "Lot 2" in an Agency approved pre-existing subdivision (PES-0017) known as "Beecher Creek One."

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of a single family dwelling and installation of an onsite wastewater treatment system involving wetlands.

Existing access to the project site is from a private dirt road known as Beaver Street. The proposed access is from Airport Road

The project will involve the permanent loss of 550± square feet of wetlands resulting from installation of the effluent line for the on-site wastewater treatment system.

The project is shown on the following maps, plans, and reports prepared by Charles S. Haugh, Jr., PE:

1. Dated September 19, 2023, and received by the Agency on September 25, 2023:
 - "Brownell-Septic Design," in six sheets (Septic Plans);
 - "Septic System Design Alternative A&B," (Septic Design);
 - "Alternatives B&C Brownell Airport Road Lot-Erosion and Sediment Control Plan," (Erosion and Sediment Control Plan);
 - "Brownell-Stormwater Design," (Storm Water Details);
 - "Brownell-Stormwater Alternative, Alternative B&C Site Details (Stormwater Plan);
 - "Brownell-Slab Design," (Slab Details);
 - "Project Plantings Description," (Planting Plan);
 - "Driveway Details," (Driveway Details);
2. "Stormwater System Design For Alternatives B&C," dated September 20, 2023, and received by the Agency on September 25, 2023 (Stormwater System Design); and

3. "Brownell-Site Plan Alternative B," page 2 of 3, dated September 20, 2023, and received by the Agency on September 26, 2023 (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 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, excavation and draining 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 Saratoga 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 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. 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 2022-0295, issued December 21, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. The portion of the project site comprised of Lot 1 of PES-0017 shall not be conveyed separately from the portion of the project site comprised of Lot 2 of PES-0017.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on the project site in the location and footprint, depicted on the Site Plan and the Septic Plans. Any change to the location or footprint or number of bedrooms of the dwelling shall require a new or amended permit.

7. Construction of any accessory structure on the project site shall require a new or amended permit.
8. There shall be no more than one single family dwelling on the project site.
9. Any on-site wastewater treatment system(s) on the project site installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the Septic Design and Septic Plans. Construction of the system shall be supervised by a New York State design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

10. The project shall be undertaken in compliance with the Stormwater System Design, Storm Water Details, Stormwater Plan and Site Plan.
11. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan and the Site Plan.
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. Outside of the "Disturbed Area" and "Solar Clearing Area" depicted on the Site Plan, no trees, shrubs or other woody-stemmed on the project site shall be removed 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.
14. The "Native Grasses" and "Native Shrubs" described in the Planting Plan shall be planted inside the "Grassy Filter Strip" and the "Proposed Buffer Area" shown on the Stormwater Plan no later than the first spring or fall planting season after final grading related to the construction of the single family dwelling and installation of the on-site wastewater treatment system on the project site. Native Grasses and Native Shrubs that do not survive shall be replaced annually until established in a healthy growing condition.
15. The undertaking of any activity involving wetlands not authorized herein shall require a new or amended permit.

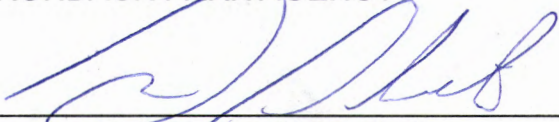
CONCLUSIONS OF LAW

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 installation of the on-site wastewater treatment system 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 Edinburg;
- 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.

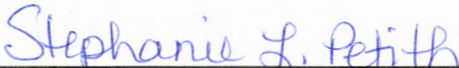
PERMIT issued this 21st day of December, 2023.

ADIRONDACK PARK AGENCY

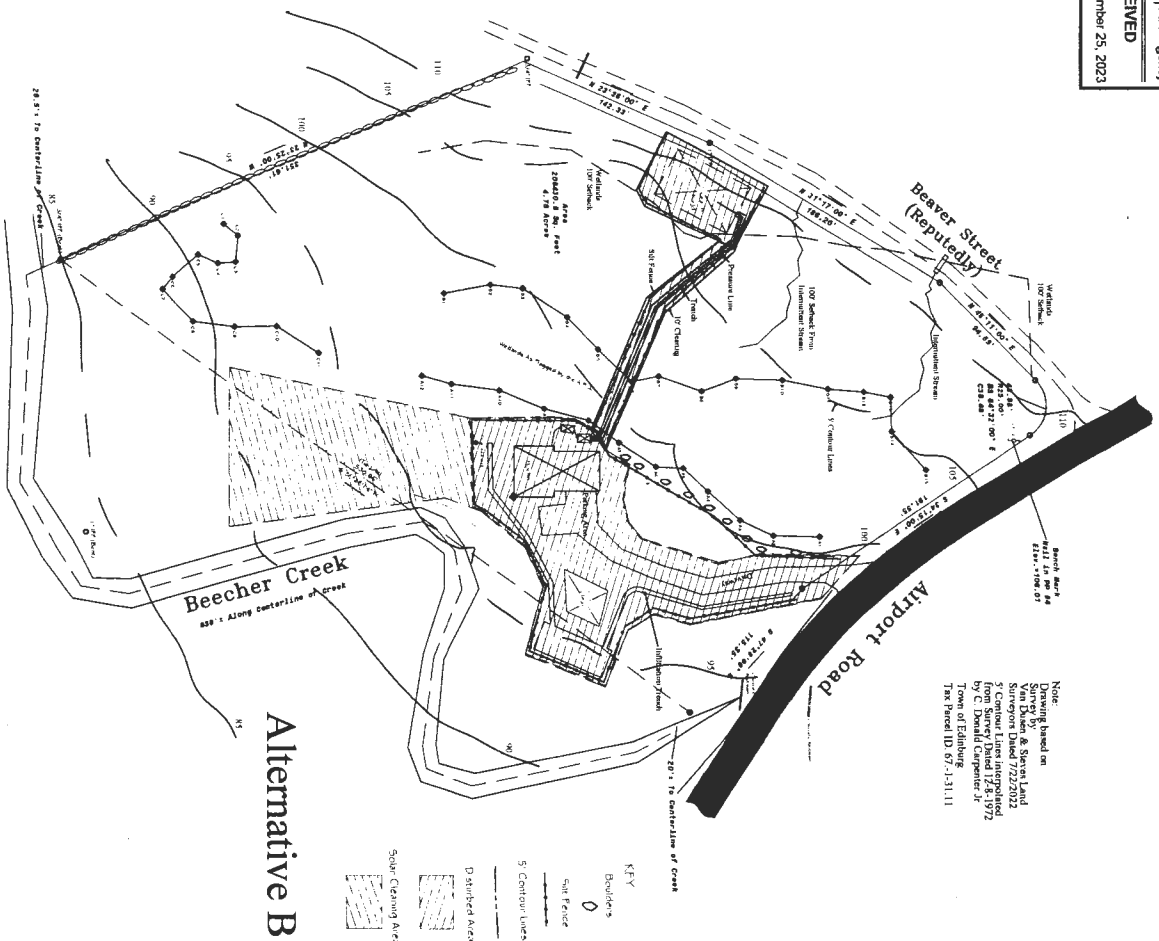
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 21st day of December 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.


Notary Public

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



Scale 1" = 60'

Reduced Scale Copy
Not for Tax Map Purposes

ALTERNATIVE B NOTES

1. Passive Solar house with attached garage oriented south to obtain solar gain. House is located between the wetlands and Beecher Creek. An area to the south must be cleared to allow solar radiation for the house. Edinburg lot line setbacks will not be a problem with this alternative.
2. The septic field is located 100' from wetlands adjacent to Beaver Street, 10' from property line and upgrade from house requiring a pump system. A 10' wide area will have to be cleared to the septic field from the house. This area will go thru the wetlands to allow a 4' wide by 5' deep trench to install the line from the pump tank to the field. The clearing and trenching thru the wetlands will disturb the wetlands during installation and possibly in the future when repairs or maintenance is needed.
3. The well is located 200' from septic field per DOH requirements.
4. The septic system field location of the Site is very rocky and uneven with a 7% slope. Approximately 620' yards of fill will have to be brought in to level up this area to install the septic system.
5. The driveway is approximately 10' wide by 200' long and the parking area is approximately 450 sq. ft. Electrical power will be brought in adjacent to the driveway.
6. The 5' foot contours are based on interpolation of Survey done by C. Donald Carpenter, Jr. Dated 12.8-1972 and Revised 7-23-1974.

Project: **Brownell-Site Plan**
 Airport Road
 Edinburg, NY 12134
 APA Project No. 2022-0295

Prepared From By: **Charles S. Haigh, Jr., PE**
 Date: 9-20-2023

Drawing: **Alternative B**
 2 of 3

