


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 2023-0149</p>
<p>In the Matter of the Application of</p> <p>LAGOON MANOR HOMEOWNERS' ASSOCIATION, INC. 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 7, 2023</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <p>1. Lagoon Manor Homeowners' Association, Inc.</p>

SUMMARY AND AUTHORIZATION

This permit authorizes dredging and pond maintenance in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Bolton, 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 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 County Clerk's Office. The Agency will consider the project in existence when any of the authorized activities begin on the project site.

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 an approximately 2-acre portion of Tax Map Parcel 157.05-1-88.1 located east of NYS Route 9N and adjacent to and south of Stires Drive in the Town of Bolton, Warren County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is described in a deed from Brook Hill Development, Inc. to Lagoon Manor Homeowners' Association, Inc., dated October 16, 1996, and recorded August 21, 1997 in the Warren County Clerk's Office at Book 1032/Page 282.

The project site contains a pond that is a preexisting impoundment of an unnamed permanent stream that is classified AA-S. There are Value "2" wetlands located within the pond and associated with its forebay and the stream. Additional wetlands not described herein or depicted on the Dredging Plan may be located on or adjacent to the project site.

The project site is subject to Agency Permit 2022-0019.

PROJECT DESCRIPTION

The project as conditionally approved herein involves dredging the pond at Lagoon Manor of deposited sediment and silt to restore the pond to its original depth and condition. Approximately 0.5 acres of vegetation and associated sediment will be excavated from the pond, dewatered on site, and then deposited at an off-site facility. Existing streamflow will be pumped to below the dam and a double turbidity curtain will surround the area to be dredged. Existing access to the project site is from Stires Drive which extends from an existing intersection with NYS Route 9N.

The project will involve the excavation of 24,192 square feet (0.554 acres) of wetlands and require a Stream Disturbance permit and Individual Water Quality Certification from the NYS Department of Environmental Conservation.

The project is described in the "Proposed Pond Dredging at Lagoon Manor Narrative," prepared by Studio A, revised October 5, 2023 (Dredging Narrative) and shown on the "Dredging Plan," prepared by Studio A, last revised October 24, 2023. A reduced-scale copy of the Dredging Plan 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 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, for as long as the dredging continues on the site. Copies of this permit and Dredging 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 conditions in Permit 2022-0019 remain in full force and effect.
5. This permit authorizes the dredging of wetlands in the location shown and as depicted on the Dredging Plan and as described in the Dredging Narrative. Any change to the location, dimensions, or other aspect of the Dredging Plan or Dredging Narrative shall require prior written Agency authorization.
6. Any on-going maintenance of the pond shall be undertaken in compliance with the Continued Pond Area Maintenance Protocol detailed in the Dredging Narrative. Any change to the Continued Pond Area Maintenance Protocol shall require prior written Agency authorization.
7. 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.
8. All vegetation removal, maintenance and restoration associated with the dredging activities authorized herein shall be undertaken in compliance with the Dredging Plan and Dredging Narrative. Any additional vegetation removal within the project area shown on the Dredging Plan shall require 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.


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 Bolton;
- 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 7th day of December, 2023.

ADIRONDACK PARK AGENCY

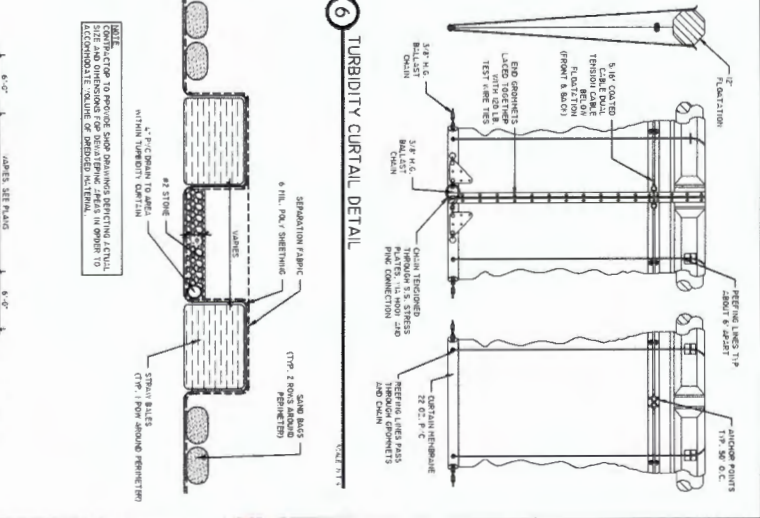
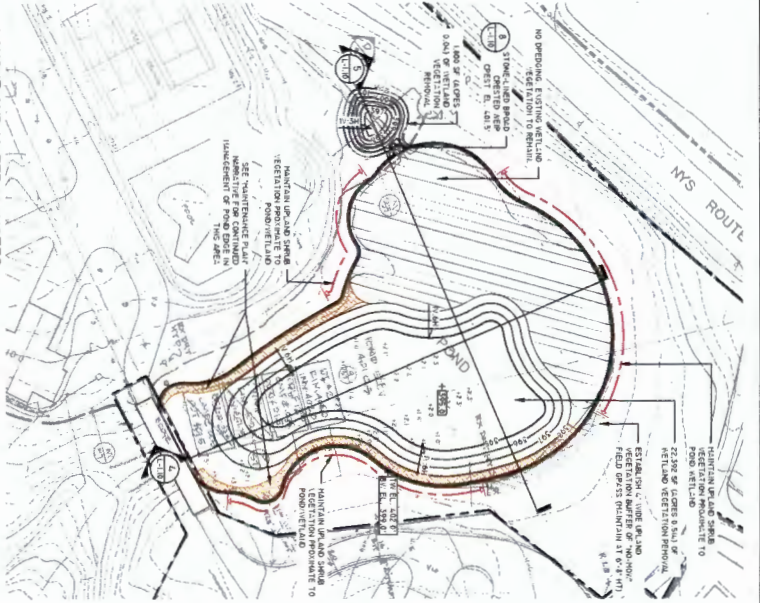
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 7th 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.

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


Notary Public



studioA THE ART OF ARCHITECTURE 30 High Rock Ave, Suite 310 PO Box 272 Sandoga Springs, NY 12849 518.450.4030											
LEGEND PROPERTY LINE EDGE OF ROAD TURBIDITY CURTAIN EXISTING MAJOR CONTROLS EXISTING MINOR CONTROLS PROPOSED MAJOR CONTROLS PROPOSED MINOR CONTROLS PROPOSED SPOT QUALITY EXISTING WATER DEPTH WATER SAMPLE EL. (L)/R LOCATION OF SOIL SAMPLE VOID LOCATION PROPOSED "NO-NOW" QUALITY CONTINUED MAINTENANCE OF POOL SIZE	REVISIONS <table border="1"> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>11.15.13</td> <td>PROJECTS 3, 4, 5 APPROVALS</td> </tr> <tr> <td>4.14.13</td> <td>25A REV. 1</td> </tr> <tr> <td>9.25.12</td> <td>25A REV. 2</td> </tr> <tr> <td>02.27.12</td> <td>25A REV. 3</td> </tr> </table>	DATE	DESCRIPTION	11.15.13	PROJECTS 3, 4, 5 APPROVALS	4.14.13	25A REV. 1	9.25.12	25A REV. 2	02.27.12	25A REV. 3
DATE	DESCRIPTION										
11.15.13	PROJECTS 3, 4, 5 APPROVALS										
4.14.13	25A REV. 1										
9.25.12	25A REV. 2										
02.27.12	25A REV. 3										

PREPARED FOR
 LAGOON MANOR HOMEOWNERS ASSOCIATION

PROJECT
 LAGOON MANOR POND DREDGING

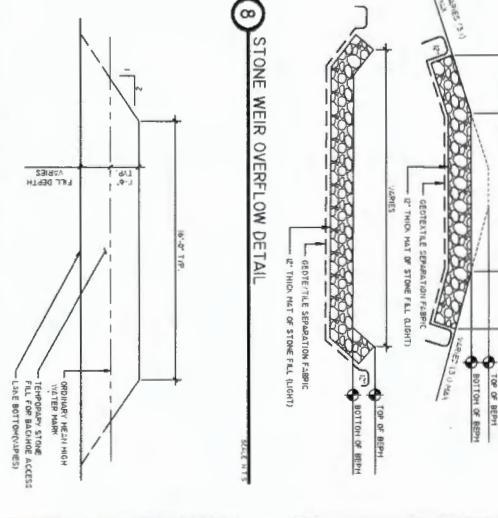
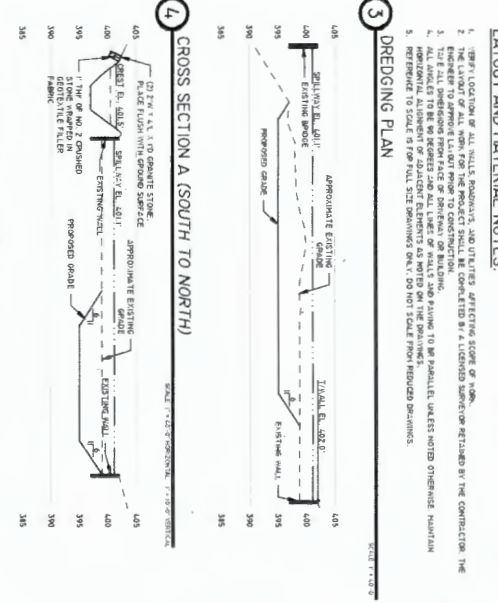
DRAWING TITLE
 DREDGING PLAN

PROJECT NO.
 3352

DATE
 10/24/2013

DRAWING NO.
 L-1.10

DWG1 OF 1



studioA THE ART OF ARCHITECTURE 30 High Rock Ave, Suite 310 PO Box 272 Sandoga Springs, NY 12849 518.450.4030											
LEGEND PROPERTY LINE EDGE OF ROAD TURBIDITY CURTAIN EXISTING MAJOR CONTROLS EXISTING MINOR CONTROLS PROPOSED MAJOR CONTROLS PROPOSED MINOR CONTROLS PROPOSED SPOT QUALITY EXISTING WATER DEPTH WATER SAMPLE EL. (L)/R LOCATION OF SOIL SAMPLE VOID LOCATION PROPOSED "NO-NOW" QUALITY CONTINUED MAINTENANCE OF POOL SIZE	REVISIONS <table border="1"> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>11.15.13</td> <td>PROJECTS 3, 4, 5 APPROVALS</td> </tr> <tr> <td>4.14.13</td> <td>25A REV. 1</td> </tr> <tr> <td>9.25.12</td> <td>25A REV. 2</td> </tr> <tr> <td>02.27.12</td> <td>25A REV. 3</td> </tr> </table>	DATE	DESCRIPTION	11.15.13	PROJECTS 3, 4, 5 APPROVALS	4.14.13	25A REV. 1	9.25.12	25A REV. 2	02.27.12	25A REV. 3
DATE	DESCRIPTION										
11.15.13	PROJECTS 3, 4, 5 APPROVALS										
4.14.13	25A REV. 1										
9.25.12	25A REV. 2										
02.27.12	25A REV. 3										

PREPARED FOR
 LAGOON MANOR HOMEOWNERS ASSOCIATION

PROJECT
 LAGOON MANOR POND DREDGING

DRAWING TITLE
 DREDGING PLAN

PROJECT NO.
 3352

DATE
 10/24/2013

DRAWING NO.
 L-1.10

DWG1 OF 1