


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 2023-0161</p>
<p>In the Matter of the Application of</p> <p>GERALD W. BASHANT, SR. Permittee</p> <p>for a permit pursuant to 9 NYCRR Part 578</p>	<p>Date Issued: January 17, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name: 1. Gerald W. Bashant, Sr.</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 Long Lake, Hamilton County.

This authorization shall expire unless recorded in the Hamilton 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 Hamilton County Clerk's Office. The Agency will consider the project in existence when the on-site wastewater treatment system has been 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 0.58±-acre parcel of land located on Beecher Park Way in the Town of Long Lake, Hamilton 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 25.011, Block 1, Parcel 29.100, and is described in a deed from Gerald W. Bashant, Sr., as Trustee of the Gerald W. Bashant, Sr. Revocable Trust to Gerald W. Bashant, Sr., as Trustee of the Gerald W. Bashant, Sr. Revocable Trust, dated March 14, 2022, and recorded March 28, 2022 in the Hamilton County Clerk's Office under Instrument Number 2022-517.

The project site contains shoreline on Clear Pond. There are emergent marsh wetlands on the eastern side of the project site, and 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 improved by a leaching privy and a pre-existing cabin structure that will be removed prior to undertaking the activities authorized herein.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the installation of an on-site wastewater treatment system absorption area 70 feet from wetlands at the closest point. In addition, a new single family dwelling will be constructed on the project site. The development authorized herein replaces the pre-existing development to be removed.

The project is shown on the following Project Plans:

- Single-sheet titled "Map of Survey of Lot 22 & 20 of Clear Pond Allotment, Former Lands of Beecher Wilson," prepared by R.W. Kentile, L.S., dated June, 22, 2023 and received by the Agency on November 10, 2023 (Site Plan); and
- Nine-sheet untitled plan set, prepared by Wiley Lavigne, P.E., dated August 8, 2023 and received by the Agency on August 25, 2023 (Septic Plans).

A reduced-scale copy of the Site Plan is attached as a part of this permit for reference.

AGENCY JURISDICTION

Pursuant to Adirondack Park Agency regulations at 9 NYCRR § 578.2, a permit is required from the Adirondack Park Agency prior to the establishment of the absorption field of any on-site wastewater treatment system within 100 feet of any 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 Hamilton 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 on-site wastewater treatment system remains on the site. Copies of this permit and Project 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 2023-0161, issued January 17, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. This permit authorizes the development depicted on the Project Plans. The existing cabin and privy shall be removed prior to installation of the on-site wastewater treatment system and dwelling. Any change to the location, dimensions, or other aspect of the on-site wastewater treatment system or single family dwelling shall require prior written Agency authorization.
6. Except as authorized herein, the undertaking of any activity involving wetlands also requires a new or amended permit.
7. If installed within five years of the date of issuance of this permit, the on-site wastewater treatment system shall be constructed in conformance with the location and design shown on the Project Plans. Construction of the system shall be supervised by a 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.
8. The project shall be undertaken in compliance with stormwater management and erosion and sediment controls as shown on the Site Plan.
9. 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.

10. Outside of the limits of clearing shown on the Site Plan, no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site 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.
11. There shall be no more than one principal building located on the project site at any time. The single family dwelling authorized herein constitutes a principal building.

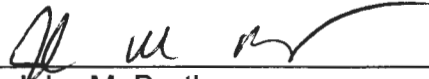
CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Freshwater Wetlands Act, 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 Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low 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. will be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values.

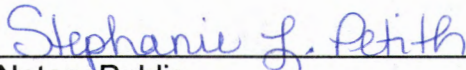
PERMIT issued this 17th day
of January, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 17th day of January in the year 2024, 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

