


THIS IS A TWO-SIDED DOCUMENT

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|  <p><b>NEW YORK</b><br/>STATE OF<br/>OPPORTUNITY.</p> <p><b>Adirondack<br/>Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86<br/>Ray Brook, New York 12977<br/>Tel: (518) 891-4050<br/>www.apa.ny.gov</p> | <p>APA Permit<br/><b>2023-0170</b></p>   |
| <p>In the Matter of the Application of</p> <p><b>JAMES R. DEMARAIS</b><br/><b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack<br/>Park Agency Act</p>  | <p>Date Issued: December 14, 2023</p> <p>To the County Clerk: Please<br/>index this permit in the grantor<br/>index under the following names :</p> <p><b>1. James R. Demarais</b><br/><b>2. Annette L. Demarais</b></p> |

**SUMMARY AND AUTHORIZATION**

This permit authorizes construction of a single family dwelling and garage in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Ellenburg, Clinton County.

This authorization shall expire unless recorded in the Clinton 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 Clinton County Clerk's Office. The Agency will consider the project in existence when an authorized structure has been constructed.

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 175.50-acre parcel of land located on Plank Road in the Town of Ellenburg, Clinton County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 145, Block 1, Parcel 8.1, and is described in a deed from Kelley P. Gilmore and Jessica L. Gilmore to James R. Demarais and Annette L. Demarais, dated September 29, 2004, and recorded October 19, 2004 in the Clinton County Clerk's Office under Instrument Number 175795.

Wetlands exist on the project site in the southeast portion of the property. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves construction of a single family dwelling, garage and on-site waste water treatment.

The project is shown on the following plans:

- A three-sheet set of plans titled "Demarais Residence Sewage Treatment System," prepared by Moser Engineering, and dated October 16, 2023 (Project Plans);
- Two sheets of plans titled "Demarais Residence," prepared by Moser Engineering, and dated October 18, 2023 (Elevation Views); and
- A letter dated October 16, 2023, titled "RE: Check Dams," prepared by Moser Engineering (Erosion and Sediment Control Plan).

A reduced-scale copy of the Site Plan for the project, shown on Sheet C1 of the Project Plans, is attached as a part of this permit for reference.

## **AGENCY JURISDICTION**

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the construction of any single family dwelling on Resource Management lands 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 Clinton 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 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. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and one garage on the project site in the location, footprint, and height shown and as described on the Project Plans and Elevation Views. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
5. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit.
6. Construction of any guest cottage on the project site shall require prior written Agency authorization.
7. Any on-site wastewater treatment system 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 Project 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.
8. The project shall be undertaken in compliance with the Erosion and Sediment Control 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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
10. All exterior building materials, including roof, siding and trim, of the dwelling and any structure on the project site shall be a dark shade of green, grey, or brown.
11. Within 100 feet of the centerline of Plank Road, no trees, shrubs or other woody-stemmed vegetation may be cut, 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.

12. The undertaking of any activity involving wetlands shall require a new or amended permit.
13. There shall be no more than four principal buildings located on the project site at any time. The single family dwelling authorized herein constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

### **CONCLUSIONS OF LAW**

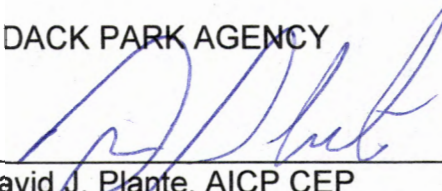
The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the single family dwelling authorized as conditioned herein:

- 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 Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management 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; and
- 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.

PERMIT issued this 14<sup>th</sup> day  
of December, 2023.

ADIRONDACK PARK AGENCY

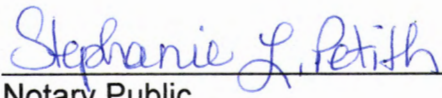
BY: \_\_\_\_\_

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 14<sup>th</sup> 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

**NOTES:**

- SEPTIC SYSTEM TO COMPLY WITH ALL CCHD REQUIREMENTS, THE INDIVIDUAL RESIDENTIAL WASTEWATER TREATMENT SYSTEMS DESIGN HANDBOOK & ANY MANUFACTURER'S REQUIREMENTS AND BE INSTALLED AS PER THEIR RECOMMENDATIONS.
- SYSTEM INSTALLER SHALL ENSURE REQ'D. SEPARATION DISTANCES ARE MET PRIOR TO AND DURING INSTALL.
- SEE DRAWING C2 AND C3 FOR DETAILS
- THE ENGINEER RECOMMENDS INSTALLING AN EFFLUENT FILTER IN THE SEPTIC TANK. CONTRACTOR TO VERIFY W/ OWNER IF FILTER SHALL BE INSTALLED AND IF SO CONTRACTOR SHALL PROVIDE HOMEOWNER WITH NECESSARY INFORMATION TO MAINTAIN ROUTINE EFFLUENT FILTER CLEANING.
- A GARBAGE DISPOSAL CAN BE USED WITH THIS SYSTEM.
- ANY TREE WITHIN 10' OF ANY SEPTIC SYSTEM COMPONENT SHALL BE REMOVED.
- IF, AT ANY POINT DURING INSTALLATION, SOIL CONDITIONS ARE ENCOUNTERED THAT VARY FROM THE DEEP HOLE TEST DATA, STOP WORK AND CONTACT ENGINEER.
- SEE THE CLINTON COUNTY HEALTH DEPT PERMIT/APPROVED PLANS FOR ADDITIONAL REQUIREMENTS.
- THE ENGINEER RECOMMENDS INSTALLING A CLEANOUT JUST OUTSIDE THE HOUSE OR IN THE BASEMENT/CRAWL SPACE. THE CONTRACTOR SHALL CONFIRM LOCATION W/ OWNER PRIOR TO INSTALL.
- THE SEPTIC TANK SHALL BE PUMPED OUT EVERY 3-5 YEARS.
- SUMP PUMPS, WATER SOFTENERS, AND ANY OTHER WATER TREATMENT SYSTEMS SHALL NOT DISCHARGE INTO THE SEPTIC TANK.
- ALL PIPING BETWEEN HOUSE, SEPTIC TANK AND D-BOX SHALL BE INSTALLED AS STRAIGHT AS POSSIBLE AND ANY BEND SHALL NOT EXCEED 45 DEGREES.
- PRIOR TO EXCAVATING CONTACT DMC SAFELY NEW YORK AT 1-800-962-7962 OR 811.
- SNOW SHALL NOT BE STOCKPILED ON ABSORPTION FIELD OR SEPTIC TANK.

RECEIVED  
Date: October 25, 2023

FINAL  
P2023-0170

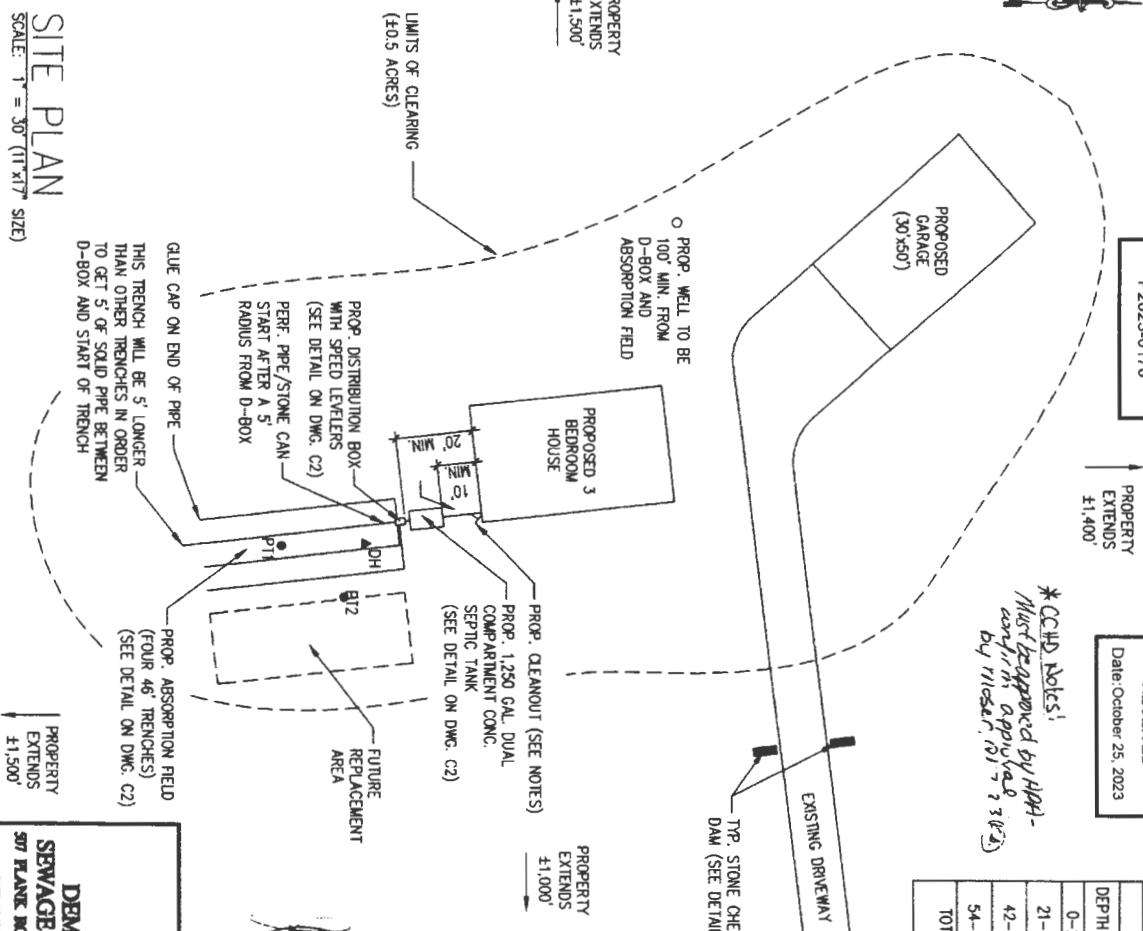
RECEIVED  
Date: October 25, 2023

FINAL  
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*\*CCHD Notes!  
Must be approved by HAH-  
conf in approval  
by Moser, 01-23-23*

**SITE PLAN**  
SCALE: 1" = 30' (11 x 17" SIZE)



| DEEP HOLE TEST DATA                                   |              |               |                  |
|---|--------------|---------------|------------------|
| DEPTH (IN.)   | SOIL HORIZON | COLOR         | TEXTURE MOTTLING |
| 0-21  | SAND/GRAVEL  | BROWN         | COARSE NO        |
| 21-42   | SAND/GRAVEL  | REDDISH BROWN | COARSE NO        |
| 42-54   | LOAMY SAND   | BROWN         | FINE NO          |
| 54-72   | LOAMY SAND   | BROWN         | COMPACT NO       |
| TOTAL DEPTH OF USABLE SOIL: 54" (COMPACT SAND AT 54") |              |               |                  |
| STABILIZED PERC RATE AT 24" DEEP: 8 MINUTES           |              |               |                  |

BOTTOM OF TRENCH TO BE NO MORE THAN 24" BELOW EXT'G. GRADE (BOTTOM OF PIPE NO MORE THAN 18" BELOW EXT'G. GRADE)

4" OF TOPSOIL & SEED TO BE PLACED OVER ENTIRE ABSORPTION FIELD AFTER INSPECTION

DO NOT INSTALL ANY PART OF THE SEPTIC SYSTEM UNTIL THE HEALTH DEPARTMENT HAS ISSUED A PERMIT

ANY CHANGE FROM THE PLAN NEEDS TO HAVE APPROVAL FROM THE ENGINEER AND CCHD PRIOR TO INSTALLATION



**SITE PLAN**

**DEMARRAIS RESIDENCE**

**SEWAGE TREATMENT SYSTEM**

507 FLANK ROAD, BELLEVILLE DEPOT, NY 12805

DATE: 10-16-23 PROJECT NO: 2347

**MOSEK ENGINEERING**  
77 BARRY ROAD  
CHAZY, NY 12811  
WWW.MOSEKENGINEERING.COM

**C1**

PROPR. WELL TO BE 100' MIN. FROM D-BOX AND ABSORPTION FIELD

PROPR. CLEANOUT (SEE NOTES)

PROPR. 1,250 GAL. DUAL COMPARTMENT CONC. SEPTIC TANK (SEE DETAIL ON DWG. C2)

PROPR. DISTRIBUTION BOX WITH SPEED LEVELERS (SEE DETAIL ON DWG. C2)

PERF. PIPE/STONE CAN START AFTER A 5' RADIUS FROM D-BOX

GLUE CAP ON END OF PIPE

THIS TRENCH WILL BE 5' LONGER THAN OTHER TRENCHES IN ORDER TO GET 5' OF SOLID PIPE BETWEEN D-BOX AND START OF TRENCH

PROP. ABSORPTION FIELD (FOUR 46' TRENCHES) (SEE DETAIL ON DWG. C2)

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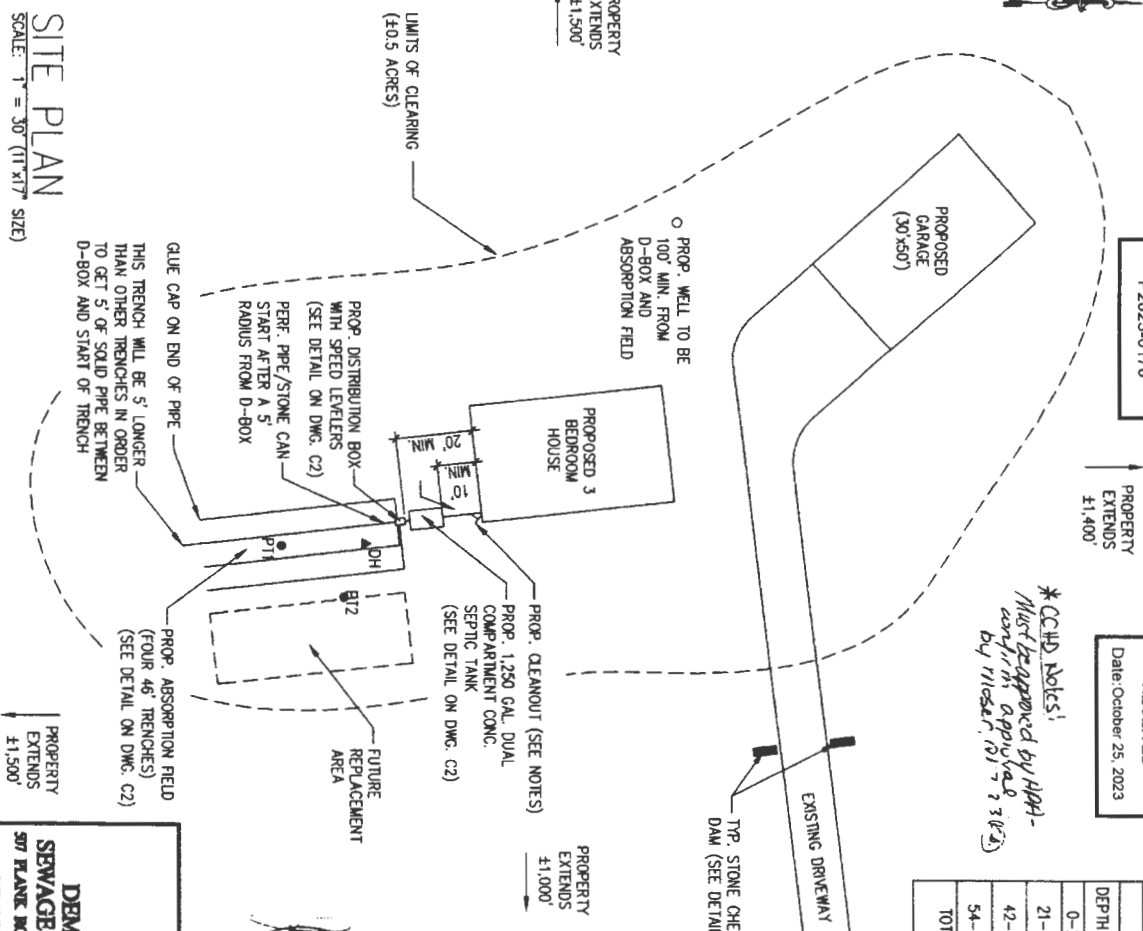
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