


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 2023-0239</p>
<p>In the Matter of the Application of</p> <p>ROBERT DUHAIME, EDMOND DUHAIME AND TRACE DESMARAIS Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: May 9, 2024</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Edmond Duhaime</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and the construction of a single family dwelling in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Tupper Lake, Franklin County.

This authorization shall expire unless recorded in the Franklin 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 Franklin County Clerk's Office. The Agency will consider the project in existence when the authorized lot has been conveyed.

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 78.05-acre parcel of land located on Dugal Road in the Town of Tupper Lake, Franklin County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 491, Block 3, Parcel 9.1, and is described in a deed from Robert F. Duhaime and Mary G. Duhaime to Edmond R. Duhaime, Jr, dated June 16, 2014, and recorded June 18, 2014 in the Franklin County Clerk's Office under Instrument Number 2014-2832.

The project site contains wetlands along Dugal Road that are of a broad leaf shrub covertype. Additional wetlands not described herein or depicted on the Site Plan are located on or adjacent to the project site.

The project site is improved by a pre-existing single family dwelling and accessory structures.

The project site was created by subdivision as authorized by Agency Permit 2015-0084.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of the 78.05-acre project site to create a 1.42-acre parcel (Lot 1) and a 76.63-acre parcel (Lot 2). Lot 1 is to be improved by a single family dwelling and on-site wastewater treatment system. Lot 2 will contain the pre-existing single family dwelling and accessory structures.

The project is shown on the following eight-page set of plans entitled "Trace Demarais New On-Site Wastewater Treatment System" (Septic Plans) prepared by Vincent M. Kavanagh, P, E., and dated February 21, 2024. A reduced-scale copy of the Site Plan for the project, shown on Page 3 and dated February 21, 2024, 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 subdivision involving wetlands 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 Franklin 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 Site Plan and Septic 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 Permit 2015-0084 in relation to the project site. The terms and conditions of Permit 2015-0084 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 2023-0239, issued May 9, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted on the Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require prior written Agency authorization.
7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on Lot 1 in the location and footprint shown on the Site Plan.

The single family dwelling shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. Any change to the location or dimensions of the dwelling shall require prior written Agency authorization.
8. The undertaking of any new land use or development on Lot 1 not authorized herein shall require prior written Agency authorization. The undertaking of any activity involving wetlands shall require a new or amended permit.
9. Construction of any guest cottage on the project site shall require prior written Agency approval.
10. Any on-site wastewater treatment system on Lot 1 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 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.
11. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan as shown on 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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
13. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Dugal Road or adjoining property.
14. Within 15 feet of the delineated wetlands depicted 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.
15. There shall be no principal buildings located on Lot 1 other than the dwelling authorized herein.
16. There shall be no more than 58 principal buildings located on Lot 2. 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, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision/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 Moderate Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate 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 9th day
of May, 2024.

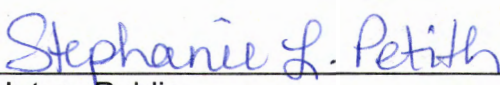
ADIRONDACK PARK AGENCY

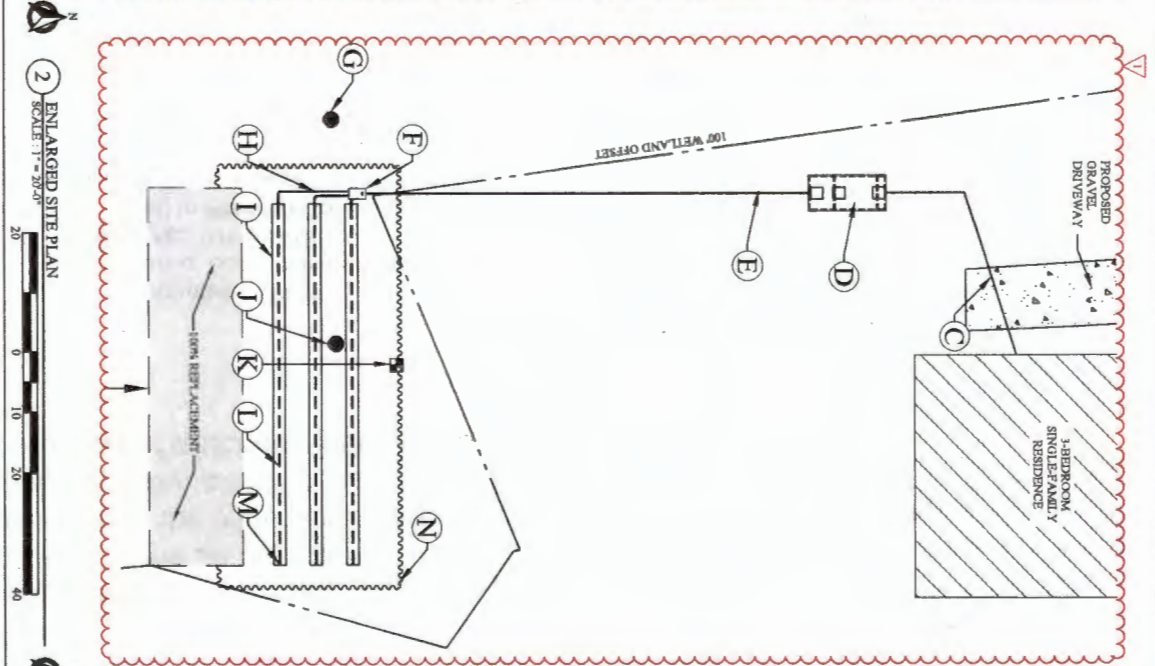
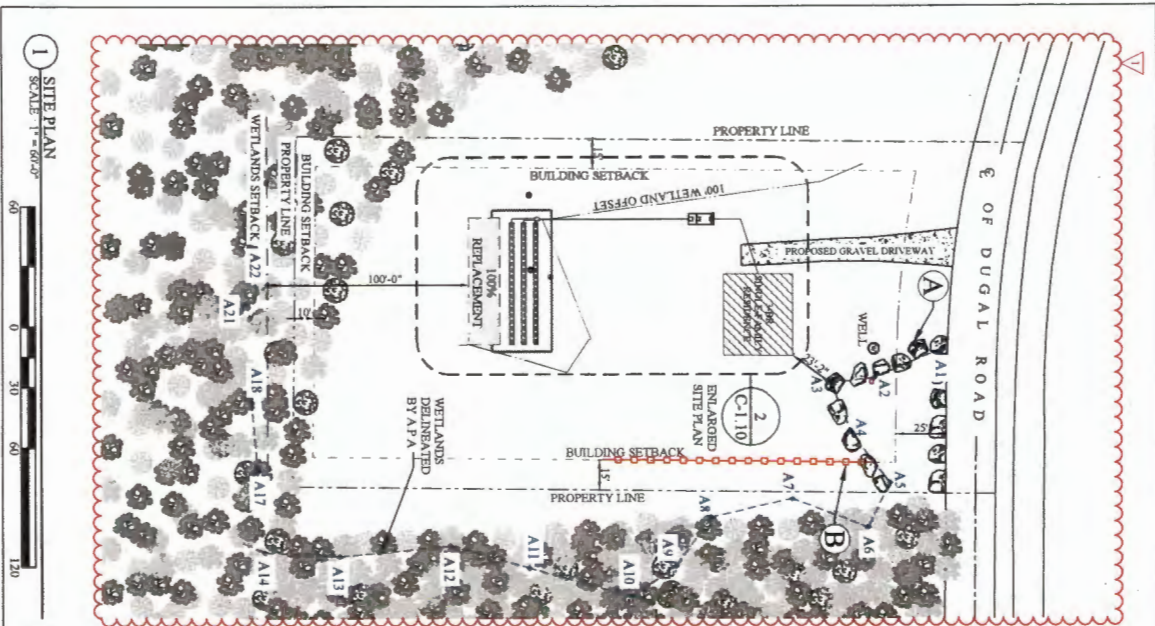
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 9th day of May in the year 2024, 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



- SITE PLAN KEY NOTES**
- A. POST-CONSTRUCTION BOULDER RETAINING WALL TO PREVENT VEHICLE ACCESS INTO WETLANDS
 - B. SILT FENCE AS TEMPORARY SEDIMENT & EROSION CONTROL PRIOR TO START OF EXCAVATION FOR FOUNDATION
 - C. HOUSE SEWER TO SEPTIC TANK 4" SCH. 40 PVC SOLID PIPE, SLOPED AT LEAST 1/8"/FT.
 - D. 1250 GALLON, CONCRETE DUAL COMPARTMENT SEPTIC TANK
 - E. SEPTIC TANK OUTLET TO DISTRIBUTION BOX INLET PIPE 4" SCH. 40 PVC SOLID PIPE, SLOPED AT LEAST 1/8"/FT.
 - F. MINIMUM 6-OUTLET CONCRETE DISTRIBUTION BOX FOR FUTURE ACCESS AND INSPECTION
 - G. SOIL PERCOLATION TEST HOLE #1
 - H. DISTRIBUTION BOX OUTLET TO START OF ABSORPTION FIELD 4" SDR-35 PVC SOLID PIPE, SLOPED AT LEAST 1/32" FT.
 - I. THREE (3) "STONE AND PIPE" TRENCHES, 60"-D LONG EACH, 6"-D O.C.
 - J. SOIL PERCOLATION TEST HOLE #2
 - K. DEEP HOLE TEST PIT #3
 - L. SDR 35 PVC PERFORATED PIPE (SLOPE 1/16" - 1/32" PER FT.)
 - M. END CAP
 - N. 70" L X 30" W IMPORTED SOIL LIMIT

<p>VINCENT M. KAVANAGH P.E. PROFESSIONAL ENGINEER</p> <p>17 MACARTHUR RD. BROOKHURST VALLEY, NY 11603 C: 516-924-4803 VINMKA177@YAHOO.COM</p>	<p>TRACE DESMARAIS NEW ON-SITE WASTEWATER TREATMENT SYSTEM</p> <p>THREE BEDROOM SINGLE-FAMILY RESIDENCE</p>	<p>SITE ADDRESS: DUGAL ROAD TURTLE CREEK, NY 12986</p>	<p>△ PLANS REVISED: 4/24/18 PER A.P.A. REQUESTED INFORMATION FOR A.P.A. PROJECT NO. 2018-0299 ISSUE DATE & SCALE: DATE: 2/1/18 SCALE: AS SHOWN</p>	<p>STAMP / SIGNATURE</p>	<p>TITLE SITE PLAN /DRAWING NUMBER C-1.10</p>
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ALTERATION OF THIS DOCUMENT, EXCEPT BY A LICENSED PROFESSIONAL ENGINEER, IS ILLEGAL.