


THIS IS A TWO-SIDED DOCUMENT

| | |
|---|---|
|  <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 2023-0252</p> |
| <p>In the Matter of the Application of</p> <p>RICHARD R. BIRD and TIMOTHY & LAURIE BARKAUSKAS Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p> | <p>Date Issued: January 31, 2024</p> |
| | <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Richard R. Bird2. Timothy Barkauskas3. Laurie Barkauskas |

**This permit supersedes un-recorded Permit 2023-0252, issued by the Agency on
January 4, 2024.**

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and construction of a single family dwelling in an area classified Rural 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 upon conveyance of Lot 2 or the authorized single family dwelling 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 100±-acre parcel of land located on Raquette Lake in the Town of Long Lake, Hamilton County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as the Rural Use portion of Town of Long Lake Tax Map Section 44.000, Block 6, Parcels 2.000 and 8.000.

Parcel 44.000-6-2.000 is described in a deed from Eugene B. Armstrong and Mary C. Armstrong to Richard R. Bird dated August 20, 1979 which was recorded February 6, 1980 in the Hamilton County Clerk's Office in Liber 178 of Deeds at Page 74, and parcel 44.000-2-8.000 is described in a deed from Richard R. Bird to Timothy Barkauskas and Laurie Barkauskas, dated January 13, 2023, and recorded in the Hamilton County Clerk's office February 22, 2023 as Instrument 2023-278.

The project site is located on Woods Point and contains shoreline on Raquette Lake. The project site also contains wetlands. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

Tax parcel 44.000-6-2.000 is improved by a pre-existing single family dwelling and related development.

The project site was created by subdivisions as authorized by Agency Permit 2022-0252.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of tax parcel 44.000-6-2.000 to create a 2-acre vacant, non-shoreline lot to be merged with tax parcel 44.000-6-8.000. The project includes construction of one single family dwelling and on-site wastewater treatment system on tax parcel 44.000-6-8.000 as previously authorized by Agency Permit 2022-0252.

The project site is only accessible by boat and there are currently no electric utility services available in this area. The proposed dwelling and associated on-site wastewater treatment system will be serviced by an alternative power source such as a generator and/or solar.

The project is shown on the following Project Plans:

- The two-lot subdivision authorized herein is shown on a "Map of Survey," prepared by John A. Demming, L.S., and dated November 27, 2023 (Survey); and
- The development authorized herein is shown on three sheets of plans titled "Wastewater Treatment System, The Bird Property, Woods Point," prepared by Wolf Engineering and dated August 12, 2022 (Wastewater Treatment System Plans).

Reduced scale copies of the Survey and a Partial Site Plan for the project, shown on Drawing Number SP-1 of the Wastewater Treatment System Plans, are 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 any subdivision of Rural Use lands that results in the creation of a non-shoreline lot smaller than 2.75 acres in size in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision that results in the creation of five or more lots, parcels, or sites since May 22, 1973, in a Rural Use land use area 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. 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. This permit amends and supersedes Permit 2022-0252 in relation to the project site. The terms and conditions of Permit 2022-0252 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 2023-0252, issued January 31, 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 Survey. Any subdivision of the project site not depicted on the Survey shall require prior written Agency authorization.

7. Within 30 days of conveyance of the 2-acre lot shown on the Survey, a new deed shall be filed in the Hamilton County Clerk's office describing the 2.00-acre lot and tax parcel 44.000-2-8.000 as a single, un-divided lot (Merged Parcel). Any future subdivision of this undivided lot shall require a new or amended permit.
8. 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 shown and as described on the Wastewater Treatment System Plans. The construction of a dwelling greater than 25 feet in height or any change to the location or footprint of the authorized structure shall require prior written Agency authorization.
9. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit. The construction of any guest cottage or other accessory structure on the Merged Parcel authorized herein shall require prior written Agency authorization.
10. Any on-site power generating system installed to serve the single family dwelling authorized herein shall be located in a structure that is sound insulated and the equipment shall utilize a muffler that complies with the manufacturer's specifications. Any free-standing or building mounted solar array designed to serve the single family dwelling shall require prior written Agency authorization.
11. Prior to undertaking construction of any boathouse on the project site, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
12. Prior to undertaking construction of any dock on the project site, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
13. No structures greater than 100 square feet in size shall be constructed on the project site within 75 feet, measured horizontally, of the mean high water mark of Raquette Lake.
14. Any on-site wastewater treatment system on the Merged Parcel 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 Wastewater Treatment System 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.

15. 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.
16. Any new free-standing or building-mounted outdoor lights on the Merged Parcel employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Raquette Lake or adjoining property.
17. All exterior building materials, including roof, siding and trim, of any structure on the Merged Parcel shall be a dark shade of green, grey, or brown.
18. Within 75 feet of the mean high water mark of Raquette Lake and within 50 feet of the development authorized herein, no trees, shrubs or other woody-stemmed vegetation may be cut, trimmed, pruned or otherwise removed or disturbed on the merged parcel without prior written Agency authorization, except for the removal of 1) an area up to 12 feet in width, to allow for access from Raquette Lake, and 2) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
19. There shall be no more than one principal building located on the Merged Parcel at any time. The single family dwelling authorized herein constitutes a principal building.

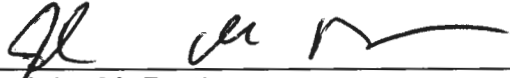
CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act 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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- 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.

PERMIT issued this 31st day
of January, 2024.

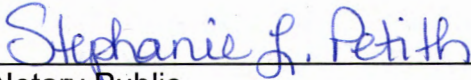
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 31st 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.

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


Notary Public

0.22 ± ACRES

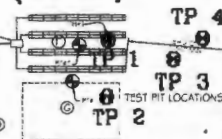
572.7'

2.2 ± ACRES

N 00°00'00" W

Set MON. (+1.0')

PROPOSED 3 BEDROOM CAMP



S 05°00'05" W

238.79'

250' ±

Set MON. (+0.3')

NOTE: LOCATION OF SEWER, SEPTIC TANKS, PUMP CHAMBER AND FORCE MAIN MAY BE FIELD ADJUSTED TO MINIMIZE REMOVAL OF TREES & VEGETATION. MAINTAIN MINIMUM SETBACKS FROM LAKE AND ANY EXISTING OR PROPOSED WELLS.

SEPTIC LAYOUT

- 1000 (B&B) GAL. DUAL CHAMBERED, PRE-FORMED PLASTIC SEPTIC TANK
- 4" PVC 50R-35 HOUSE SEWER 1/4" PER FOOT MIN. SLOPE
- 750 GAL. PRE-FORMED PLASTIC PUMP CHAMBER
- PROPOSED 1/2" PVC SCH. 80 FORCE MAIN (OR SIMILAR 100 PSI MINIMUM RATED)
- PRECAST CONCRETE DISTRIBUTION BOX
- PROPOSED INFILTRATOR TYPE EFFLUENT SEWER 1/32" TO 1/16" PER FOOT (1/8" PER FOOT MAX. SLOPE)
- REPLACEMENT FIELD AREA

17' ± C.P.

N 75°41'25" W 151.18' (TIE) 150' ±

11' ± C.P.

58' ± Set MON. (+0.5')



RAQUETTE LAKE

PARTIAL SITE PLAN
PROPOSED WASTEWATER TREATMENT SYSTEM PLAN
1" = 20' ±

MAP REFERENCE
SURVEY INFORMATION PROVIDED BY
John A. Deming LS #12932



LOCATION MAP
R.T.S.J.

SITE LOCATION

NEW YORK STATE OF OPPORTUNITY
Adirondack Park Agency
FINAL
P2023-0252

NOTE:

THIS DESIGN IS BASED ON THE ASSUMPTIONS OF A PROPOSED THREE (3) BEDROOM IN THE APPROXIMATE LOCATION SHOWN FOR APPROVAL PURPOSES. FINAL DESIGN MAY BE REQUIRED DUE TO ACTUAL BUILDING SIZE, SITE CONDITIONS AND BED LOCATIONS ETC.

IF FINAL DESIGN MODIFICATIONS WILL BE REQUIRED, ENGINEER MUST BE NOTIFIED AND DESIGNS MUST BE COMPLETED PRIOR TO CONSTRUCTION. IF "AS BUILT" PLANS ARE REQUIRED, ENGINEER MUST BE NOTIFIED TO PERFORM SITE INSPECTIONS PRIOR TO COMPLETION OF WORK.

NOTE:

NO STREAMSWATERCOURSES WERE NOTED WITHIN 100' OF PROPOSED SYSTEM LOCATION.

NO NEIGHBORING WELLS WERE NOTED TO BE WITHIN 100' OF THE PROPOSED SYSTEM LOCATION.

RECEIVED
ADIRONDACK PARK AGENCY
OCT 11 2022

Separation Distances

| Category | Septic Tank | | Septic Tank | | Septic Tank | |
|----------------------------------|-------------|------|-------------|------|-------------|------|
| | Min. | Max. | Min. | Max. | Min. | Max. |
| Offset Well | 100 | 200 | 100 | 200 | 100 | 200 |
| Offset Well - Private | 100 | 150 | 100 | 150 | 100 | 150 |
| Offset Well | 10 | 150 | 10 | 150 | 10 | 150 |
| Water Line - Private | 10 | 100 | 10 | 100 | 10 | 100 |
| Foundation | 5 | 20 | 5 | 20 | 5 | 20 |
| Surface Water | 10 | 100 | 10 | 100 | 10 | 100 |
| Open Drainage | 10 | 20 | 10 | 20 | 10 | 20 |
| Collecting Ditch | 10 | 20 | 10 | 20 | 10 | 20 |
| Catch Basin | 10 | 20 | 10 | 20 | 10 | 20 |
| Interceptor Ditch | 10 | 20 | 10 | 20 | 10 | 20 |
| Streamwater Course | 100 | 100 | 100 | 100 | 100 | 100 |
| Property Line | 10 | 10 | 10 | 10 | 10 | 10 |
| Top of Buried Utility or Utility | 20 | 20 | 20 | 20 | 20 | 20 |

- 2' Separation Distances from other structures, utilities, and other existing or proposed structures.
- Water treatment and septic tanks may be on the same property if within 50' of a public water supply.
- For a public water supply, the minimum separation distance from the top of the water supply main to the top of the septic tank shall be at least 18 inches plus the depth of the water supply main.
- For a public water supply, the minimum separation distance from the top of the water supply main to the top of the septic tank shall be at least 18 inches plus the depth of the water supply main.

Wolf Engineering
R. J. Acosta, P.E.
Wolf Engineering
R. J. Acosta, P.E.



NEW YORK STATE OF OPPORTUNITY
Adirondack Park Agency
FINAL
P2023-0252

RECEIVED
ADIRONDACK PARK AGENCY
OCT 11 2022

Revisions Table

| NO. | DATE | BY |
|-----|----------|-----|
| 1 | 10/11/22 | JAD |
| 2 | 10/11/22 | JAD |
| 3 | 10/11/22 | JAD |
| 4 | 10/11/22 | JAD |
| 5 | 10/11/22 | JAD |

SP-1

LEGEND

- Fd. - Fd. Iron Monument as Noted
- MON. - Set 3/4" Iron Rod w/Cap as Noted
- C.P. - Computed Point, Nothing Set or Located in the Field
- Power, Telephone Lines
- ⊕ U.P. - Utility Pole
- C B P - Cleared, Blazed & Painted Property Line

RECEIVED
Date: December 19, 2023

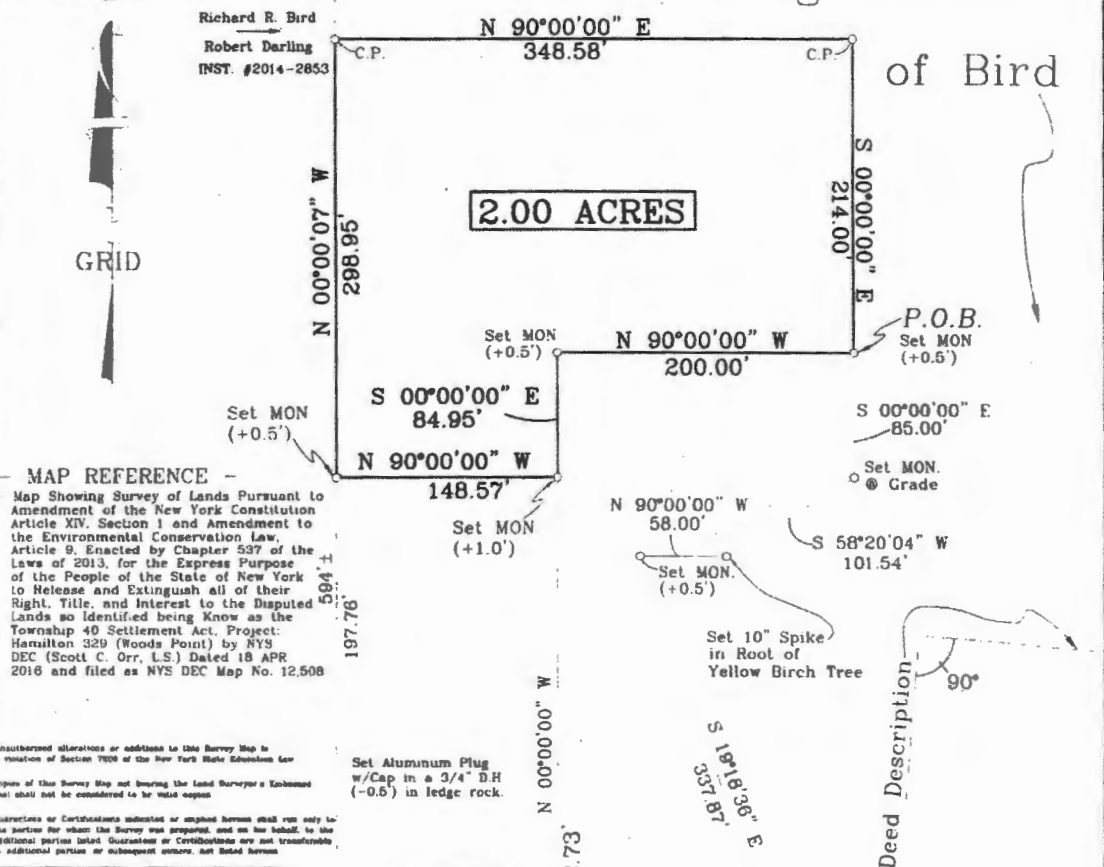
Scale 1" = 100'

0' 100' 200' 300'

Adirondack Park Agency
FINAL
P2023-0252

* Release of Claim - State of New York to Richard R. Bird
Dated 21 JUN 2017 and Filed as Instrument #42 *

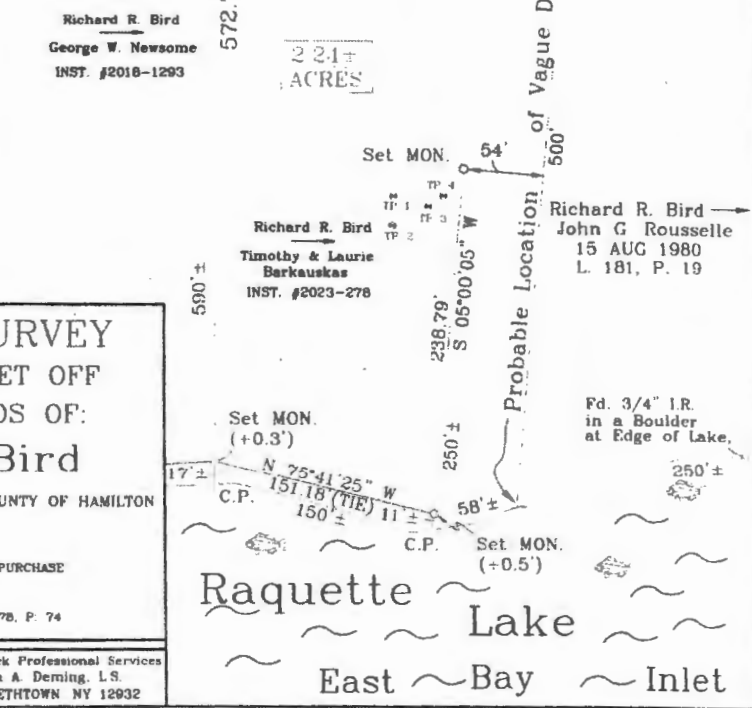
Woods Point
Remaining Lands
of Bird



MAP REFERENCE
Map Showing Survey of Lands Pursuant to Amendment of the New York Constitution Article XIV, Section 1 and Amendment to the Environmental Conservation Law, Article 9, Enacted by Chapter 537 of the Laws of 2013, for the Express Purpose of the People of the State of New York to Release and Extinguish all of their Right, Title, and Interest to the Disputed Lands so Identified being known as the Township 40 Settlement Act, Project: Hamilton 329 (Woods Point) by NYS DEC (Scott C. Orr, L.S.) Dated 18 APR 2016 and filed as NYS DEC Map No. 12,508

Unauthorized alterations or additions to this Survey Map in violation of Section 7008 of the New York State Education Law
Copies of this Survey Map not bearing the Land Surveyor's Embossed Seal shall not be considered to be valid copies
Guarantees or Certifications submitted or signed herein shall run only to the person for whom the Survey was prepared and on his behalf to the additional parties listed. Guarantees or Certifications are not transferable to additional parties or subsequent owners. See Related herein

John A. Deming
L.S.
05 DEC 2023



MAP OF SURVEY
SHOWING A PARCEL SET OFF
FROM CERTAIN LANDS OF:
Richard R. Bird
TOWN OF LONG LAKE COUNTY OF HAMILTON
STATE OF NEW YORK
- LOCATION -
TOWNSHIP 40 TOTTEN & CROSSFIELD'S PURCHASE
- REFERENCE DEED -
Eugene B. & Mary C. Armstrong 20 AUG 1978 L 178, P. 74

SURVEY COMPLETED 02 JUN 2022 Adirondack Professional Services
MAP COMPLETED 27 NOV 2023 John A. Deming, L.S.
ELIZABETHTOWN NY 12932