


THIS IS A TWO-SIDED DOCUMENT

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></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 <b>2023-0138</b></p>
	<p>Date Issued: September 8, 2023</p>
<p>In the Matter of the Application of <b>MH IMPERIAL HOMES and BRAD IVES</b> <b>Permittees</b></p> <p>for a permit pursuant to 9 NYCRR Part 578</p>	<p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Brad Ives</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes installation of an on-site wastewater treatment system in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Crown Point, Essex County.

This authorization shall expire unless recorded in the Essex 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 Essex 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 0.69±-acre parcel of land located on Middle Road in the Town of Crown Point, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 128.1, Block 3, Parcel 13.002, and is described in a deed from Michael M. Bizon to Brad Ives, dated September 8, 2018, and recorded September 17, 2018 in the Essex County Clerk's Office under Instrument Number 2018-3728.

The project site contains wetlands just off the property to the north and northwest. Additional wetlands not described herein or depicted on the Septic Plan may be located on or adjacent to the project site.

The site is improved by a mobile home and an associated on-site wastewater treatment system that has failed.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the installation of an on-site wastewater treatment system within 100 feet of wetlands to replace an existing system that has failed. In addition, the existing mobile home on the project site will be replaced with a new mobile home.

The project is shown on the five sheets of plans titled "Brad Ives Septic System," prepared by Mark J. Buckley, dated May 18, 2023, and revised July 9, 2023 (Septic Plan). A reduced-scale copy of Sheet 1 of the Septic 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 installation of any leaching component of an on-site wastewater treatment system within 100 feet 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 Essex 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 septic system remains on the site. Copies of this permit and Septic 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 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 2023-0138, issued September 8, 2023, 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 Septic Plan, as conditioned herein. Any change to the location, dimensions, or other aspect of the new mobile home and/or on-site wastewater treatment system shall require prior written Agency authorization.
6. 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 Septic Plan. 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.

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.
8. Between April 1 and November 30, no trees shall be removed or disturbed on the project site without prior written Agency authorization.
9. The undertaking of any activity involving wetlands shall require a new or amended permit.
10. Prior to any ground disturbance related to installation of the on-site wastewater treatment system, silt fence shall be properly installed parallel to the existing contours between the proposed development and the nearest wetland in a location that maximizes the distance to the wetland. The silt fence shall be embedded into the earth a minimum of 6 inches. The silt fence shall be maintained throughout installation of the wastewater treatment system and shall not be removed until after all disturbed soils are stabilized with vegetation to prevent erosion and sedimentation of wetlands and water resources. The permittee or their successor(s) in interest shall inspect the fabric at least once a week and after every major storm event to ensure the fabric and supports are intact and to remove accumulated sediments so as to maintain the fence in a functional manner.

11. There shall be no more than one principal building located on the project site at any time. The mobile home to be served by the on-site wastewater treatment system authorized herein constitutes a principal building.
12. Within 90 days of receipt of a Certificate of Occupancy for the new mobile home, the existing mobile home on the project site must be removed.

**CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Freshwater Wetlands Act and 9 NYCRR Part 578. The Agency hereby finds that the project authorized as conditioned herein:

- a. 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
- b. 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 8<sup>th</sup> day  
of September, 2023.

ADIRONDACK PARK AGENCY

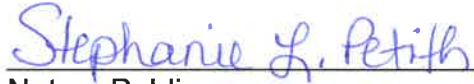
BY: 

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

STATE OF NEW YORK  
COUNTY OF ESSEX

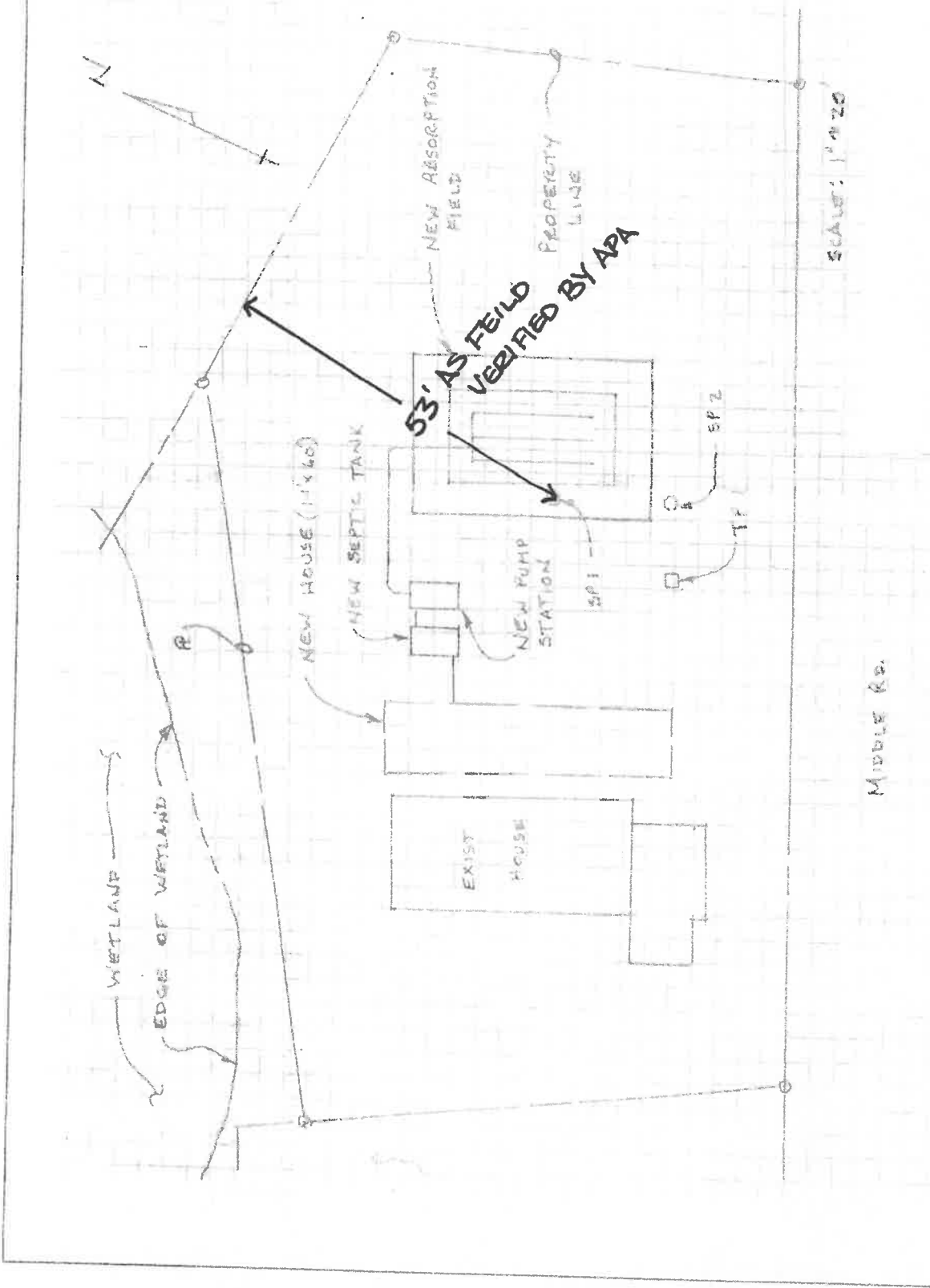
On the 8<sup>th</sup> day of September in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument 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

NEW YORK  
Opportunity  
Adirondack  
Park Agency  
**RECEIVED**  
Date: August 7, 2023

NEW YORK  
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**FINAL**  
P2023-0138



BRAD LIVES SEPTIC SYSTEM 403 MIDDLE ROAD CROWN POINT, NY PARCEL #1281-3-13.028 SITE PLAN	DATE: 5-18-23	MARK J. BUCKLEY P.E. BOX 401 WILLSBORO, NY
REV: 1 7.1 2.3	SCALE: AS NOTED	1