


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 and Order 2024-0078</p>
	<p>Date Issued: June 24, 2025</p>
<p>In the Matter of the Application of</p> <p>GUY STEPHENSON</p> <p>for a permit pursuant to 9 NYCRR Part 578 and variance pursuant to § 806 of the Adirondack Park Agency Act</p>	<p>To the County Clerk: Please index this Permit and Order in the grantor index under the following names applicant and all landowners name(s):</p> <p>1. Guy Stephenson</p>

SUMMARY AND AUTHORIZATION

This permit and order authorizes the installation of an on-site wastewater treatment system within 100 feet of a wetland and within 100 feet of two un-named streams in an area classified Low Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Wilmington, 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 and order 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 and variance site on the recordation date.

The project and variance shall not be undertaken or continued unless the project and variance authorized herein is in existence within five years of the date the permit and order is recorded in the Essex County Clerk's Office. The Agency will consider the project and variance in existence when the on-site wastewater treatment system is installed.

The project and variance shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit and order is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit and order do not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project and variance, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit and order shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

APPLICABLE LAWS

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 an absorption field of any on-site wastewater treatment system within 100 feet of any wetland in the Adirondack Park.

Section 575.7(a) of Agency regulations establishes a minimum shoreline setback of 100 feet from a waterbody for any absorption field of any on-site wastewater treatment system. The applicants requested a variance from this shoreline setback requirement pursuant to § 806(3)(a) of the APA Act.

PROJECT AND VARIANCE SITE

The project and variance site is a 0.8±-acre parcel of land located on Esthervue Way in the Town of Wilmington, Essex 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 16.3, Block 1, Parcel 10, and is described in a deed from Charles R. Terry and Joyce Terry to Guy Stephenson, dated August 5, 1992, and recorded August 10, 1992, in the Essex County Clerk's Office at Book 1020, Page 1.

The project and variance site is a lawful pre-existing vacant lot of record and is located on the northwest side of Esthervue Way on a 0.8±-acre parcel. The site is improved by an existing well that was drilled in 1970 and measures approximately 100 feet wide by 320 feet long. There are two un-named streams on the northwesterly bounds of the site and a wetland spans the two streams. One of the streams flows along the northern boundary of the site and the other stream flows along the southern boundary.

PROJECT DESCRIPTION AND VARIANCE REQUEST

The project and variance as conditionally approved herein involves the construction of a two-bedroom single family dwelling and the installation of an on-site wastewater treatment system within 100 feet of a wetland and within 100 feet of two streams.

The project and variance is depicted and described on the following map and plans:

- A one-page map entitled "New Residential Onsite Treatment System Guy Stephenson," dated July 21, 2024, last revised April 2, 2025 and prepared by Upstate Design Associates, LLC (Site Plan).
- A two-sheet set of plans entitled "New Residential Onsite Treatment System, Guy Stephenson", dated as last revised February 1, 2025, and prepared by Upstate Design Associates, LLC (Septic Plans); and
- A two page report entitled "Specific Waiver Application" dated January 14, 2025, and prepared by New York State Department of Health (Septic Waiver).

A reduced-scale copy of the Site Plan is attached as a part of this Permit and Order for reference. The original, full-scale maps and plans described in this paragraph are the official plans for the variance, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

PROCEDURAL HISTORY OF VARIANCE REQUEST

Following receipt of the variance application, the Agency notified all parties as required by the Agency regulations. On May 9, 2025, the Agency held a remote public hearing on the variance request. The hearing was held by Agency staff. There were no public comments during the public hearing. The Agency received no written public comments expressing objections to the variance request.

VARIANCE FACTORS

Section 575.7(a) of Agency regulations establishes a minimum shoreline setback of 100 feet from a waterbody for any absorption field of any on-site wastewater treatment system. The applicants requested a variance from this shoreline setback requirement pursuant to § 806(3)(a) of the APA Act. The Agency may grant a variance where there are practical difficulties in carrying out the restrictions set forth in Section 806(1)(a)(2) of the APA Act. The Agency has considered the standards and factors set forth in 9 NYCRR § 576.1(b)-(c).

§ 576.1(b): Whether the adverse consequences to the applicant resulting from denial are greater than the public purpose sought to be served by the restriction.

The public purposes served by the Agency's setback requirements include protection of the water quality and aesthetics of the two streams.

Denial of the variance request would preclude the applicant from constructing a single family dwelling on the site and from utilizing the existing well, which is already in place and functional.

As proposed, the project incorporates a wastewater treatment system engineered to protect the water quality of the streams through advanced filtration design and erosion and sediment control measures. The proposed single-family dwelling and on-site wastewater treatment system are sited to avoid existing trees and vegetation, thereby maintaining natural stream buffers. Additionally, cedar trees will be planted on the outer edge of the limits of disturbance, as shown on the Site Plan, to enhance screening and stability. The proposed wastewater treatment system is more than 100 feet from potable wells on adjacent parcels, minimizing the risk of impact to neighboring water supplies.

§ 576.1(c)(1): Whether the application requests the minimum relief necessary.

As proposed and shown on the Site Plan, the on-site wastewater treatment system is located approximately 54 feet from the un-named stream to the west, 9 feet from the wetland to the west and 89 feet from the un-named stream to the east. It is also approximately 11 feet from the wetland to the east. The system is situated upgradient and approximately 65 feet from the existing well. The location selected represents the farthest practicable siting from streams, wetlands, and the existing well on the property. It also minimizes vegetative clearing and ground disturbance compared to alternative locations on the parcel.

§ 576.1(c)(2): Whether granting the variance will create a substantial detriment to adjoining or nearby landowners.

As proposed, the on-site wastewater treatment system is located more than 100 feet from potable wells and other wastewater systems on adjoining parcels. The proposed location

complies with New York State Department of Health regulations and will not result in a substantial detriment to neighboring landowners.

§ 576.1(c)(3): Whether the difficulty can be obviated by a feasible method other than a variance.

The parcel is a pre-existing lot of record, and the existing well, drilled in 1970, is fixed in location. Re-locating the existing well to accommodate a wastewater system in a different location was determined to be cost prohibitive and would still result in development within 100 feet of the two un-named streams and within 100 feet of a wetland and would still require an Agency variance and permit.

§ 576.1(c)(4): The manner in which the difficulty arose.

The difficulty arises from the fact that the project and variance site was created prior to August 1, 1973, the effective date of the Adirondack Park Agency Act. At the time of its creation, a single family dwelling was not constructed, and the lot has remained un-developed since that time.

§ 576.1(c)(5): Whether granting the variance will adversely affect the natural, scenic, and open space resources of the Park and any adjoining water body due to erosion, surface runoff, subsurface sewage effluent, change in aesthetic character, or any other impacts which would not otherwise occur.

Installation of the proposed on-site wastewater treatment system in non-compliance with the approved plans, without environmental controls, grading, stormwater and landscaping as depicted and as described on the Site Plan and Septic Plan and without vegetation cutting and disturbance area limits could cause increased erosion and surface runoff, and lead to adverse changes to the water quality of the two un-named streams.

In addition, installation of the on-site wastewater treatment system without restrictions on vegetation removal, stormwater management plans, vegetative plantings and an engineered septic system could result in impacts to the water quality of the two un-named streams and wetlands.

Adherence to the project and variance as depicted and as described on the Site Plan, Septic Plans and the Septic Waiver and as conditioned herein will minimize vegetation cutting, stormwater impacts and water quality to the greatest extent feasible and protect the resources of the Park and adjoining water bodies.

§ 576.1(c)(6): Whether the imposition of conditions upon the granting of the variance will ameliorate the adverse effects noted above.

The conditions included in this Permit and Order will reduce any potential adverse effects from the requested variance. Conditions regarding wastewater, stormwater, vegetation cutting, erosion and sediment control, and adherence to the approved plans will ensure that the proposal will be undertaken in a manner that reduces impacts to water quality and natural resources to the greatest extent feasible.

CONDITIONS

**THE PROJECT AND VARIANCE ARE APPROVED SUBJECT TO THE FOLLOWING
CONDITIONS:**

1. 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.
2. This permit and order are 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 and variance. Copies of this permit and order, Site Plan, Septic Plans and Septic Waiver shall be furnished by the permittee to all subsequent owners or lessees of the project and variance 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. The authorization to undertake the installation of the on-site wastewater treatment system on the project and variance site shall expire five years from the date this permit and order is recorded in the Essex County Clerk's office, unless the installation of the on-site wastewater treatment system has been completed in accordance with the Site Plan, Septic Plans and Septic Waiver by that date or written authorization has been obtained from the Agency extending the deadline for installation. Installation 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.
4. Subject to the conditions stated herein, this permit and order authorizes the installation of an on-site wastewater treatment system in association with a two-bedroom single family dwelling on the project and variance site in the location and as described in the Site Plan, Septic Plans and Septic Waiver. Any changes to the location, size, dimensions, or other aspects of the on-site wastewater treatment system shall require a new or amended Agency Order or a letter of compliance.
5. All deeds conveying all or a portion of the lands subject to this permit and order shall contain references to this permit and order as follows: "The lands conveyed are subject to Adirondack Park Agency Permit and Order Granting Variance 2024-0078, issued June 25, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Construction of any additional structure on the project and variance site shall require prior written Agency authorization.
7. Prior to undertaking any ground disturbance on the project and variance site, silt fencing shall be installed as depicted on the Site Plan. The project and variance shall be undertaken in compliance with the grading and stormwater design and erosion and sediment control measures depicted and described on the Site Plan.

8. 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.
9. 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 Esthervue Way or adjoining property.
10. Outside of the limits of clearing shown on the Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed or disturbed on the project and variance 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. All cedar trees depicted on the Site Plan shall be planted and maintained after the final grading related to the installation of the on-site wastewater treatment system on the project and variance site.
12. The undertaking of any activity involving wetlands shall require a new or amended permit.
13. There shall be no more than one principal building located on the project and variance site. The single family dwelling authorized herein constitutes a principal building.

CONCLUSIONS OF LAW

Class A Project

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Parts 574, and all standards and factors for issuance of a variance set forth in 9 NYCRR Parts 576 and 577. The Agency hereby finds that the project 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 section 806 of the Adirondack Park Agency Act and the regulatory requirements of the Adirondack Park Agency's implementation of New York State's Wild, Scenic and Recreational System Act, except as approved in the variance granted herein; 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.

Variance

The Agency has considered all of the standards and factors for issuance of a variance as set forth in 9 NYCRR Parts 576. The Agency hereby finds that the applicant's variance request meets the approval criteria, provided the authorized activities are undertaken as described herein and in compliance with the conditions set forth above.

Permit and Order issued this 24th day
of June, 2025.

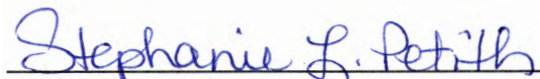
ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 24th day of June in the year 2025, 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, 2029

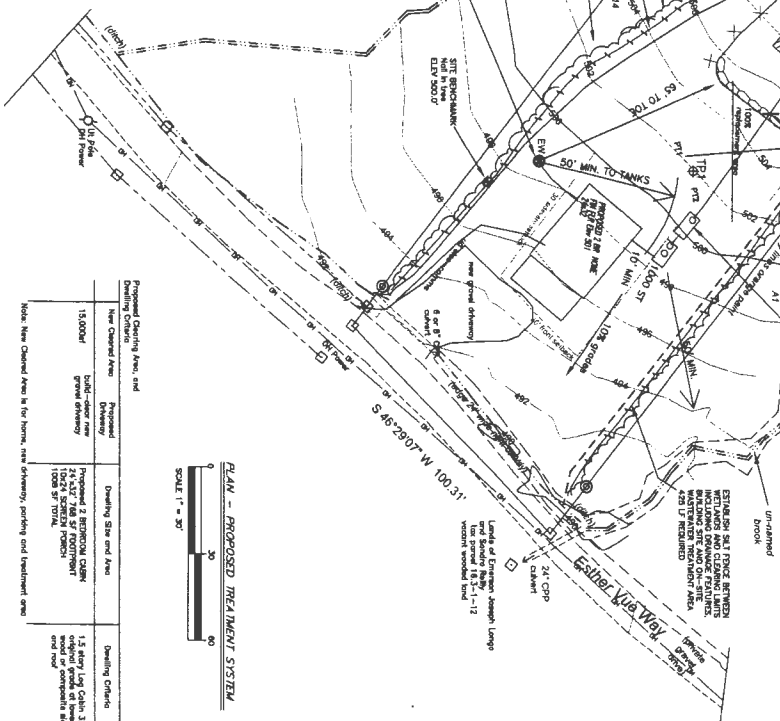

Notary Public

Called North

TREATMENT AREA TO PROPERTY LINE: 10'
SEPTIC TANK TO HOUSE: 10'
SEPTIC TANK TO WELL: 50'
TREAT. AREA TO HOUSE: 20'

PEAT FILTER IN MEDIA REQUIREMENTS:
1. Peat filter is residue of Eriophorum (cotton grass) plants, carefully extracted from rolled bog peats (other natural residues and peats are not present in significant quantities)
2. Used as a peat filter, peat is present in 50-60%
3. Min. organic content on anhydrous basis is 95%
4. Water adsorption capacity, 72 hr. test, is 400-700%
5. Average air filled porosity(AFP) is 51%

- A) **Single Source/Procure-to-Contract Purchasing System.** The postage system to be installed must be purchased from a Certified Stocking Distributor of Purflo Products. The Certified Stocking Distributor must be able to provide the following: a) a minimum 100' length of 1/2" ID x 1/32 Filtration, 5/8" I.D. Braided, Efficient Pump, 5/8" Lifting Chain & Stockers and Schedule 40 PVC Pressure Pipe Fittings.
- B) **Certified Training Instructor.** A Certified Training Instructor for Purflo Systems' installations must be on site during the installation. The System must be started up and tested for proper operation by the Certified Trainer before the Contractor is allowed to cover the systems piping and the sides of the Moduler.
- C) **Yearly Maintenance Agreement (YMA).** The YMA, as required by NYS DOH 75A.6 Regulations, This agreement is to be in place upon completion of the installation and will be performed by a certified Trainer of Purflo Products on a yearly basis for at least the years after commissioning the system.



Proposed Clearing Area, and Drainage Drainage	Proposed Drainage	Dwelling Site and Area
15,000sq ft build - clear new gravel driveway		2 BEDROOM CASH 24 x 32' 7/8" FT FOOTPRINT 1008 SQ TOTAL

Note: New Cleared Area is for home, new driveway, parking and landscape areas.

APA ATTACHMENT F
APA 2024-0078

DESIGN FLOWS = 220 GPM TWO BEDROOM HOME W/ NEW STANDARD FIXTURES (1.6 GPF & 3 GPM MAX.)

SYSTEM WITH ROSSING WILL BE INSTALLED

USE PEAT FIBRE BIOFILTRATION UNITS WITH TINED DROSS CONTROL, PUMP SYSTEM WIRED ON DEDICATED CIRCUIT

HIGHEST POSSIBLE FLOW RATE

HIGH PRESSURE ALARM, CONTROL PANELS AT OR NEAR PUMP STATION

(1) BLUE PEAT FIBRE BIOFILTRATION UNIT BY PUMPA, OR EQUAL

(2) GREEN PEAT FIBRE "SAMPLING" UNIT BY PUMPA, OR EQUAL

NEW 1000 GALL DUAL CHAM ST. PL68 OUTLET FILTER, FEE HANDLE

NEW 1000 GALL PUMP CHAMBER

NEW 1000 GALL PUMP BED PLACED IN 7' OF LIGHTLY COMPACTED CLEAN SAND WITH PERC RATE OF 1-5 MIN.

SIZE ABSORPTION BED:

5.5, APP RATE = 0.7 GPM/SF -> 714 SF RECD

5.5, APP RATE = 0.7 GPM/SF -> 714 SF RECD

5.5, APP RATE = 0.7 GPM/SF -> 714 SF RECD

CHECK BASIN, AREA

ABSORPTION BED 350 SF (SEE SUPPLEMENT)

USE APPENDIX 75-A.9.3.C.11

TABLE 48, APP RATE = 0.30 GPM/SF, 244 SF BASIN, AREA RECD

TOTAL BASIN AREA = 1000 SF -> REQUIRED

2. ALL ROAD OR HIGHWAY DESIGNERS SHALL BE RESPONSIBLE FOR THE FOLLOWING:
3. DESIGN/CONSTRUCTION RESPONSIBLE FOR THE PROVISION OF THE FOLLOWING:
4. METHOD TO DETERMINE CONFLICT DOWNSIDE IS 111
5. AT LEAST TWO PERSONS ARE TESTS SHALL BE CONDUCTED TO DETERMINE THE FOLLOWING:
6. MATERIAL USED FOR FULL SCALE TEST SHALL BE 100% CEMENT STABILIZED SOIL WITH NO STONES
7. THREE SLOES AND MOTORS SHALL BE CUT TO CHUCK AND BEHIND THEM THEREABOUTS MARKS DO NOT EXCEED 10% OF THE TOTAL LENGTH OF THE SLOES
8. SOIL INJECTED INTO THE SLOES SHALL BE 10% OF THE TOTAL LENGTH OF THE SLOES
9. ALL COMPONENTS TO BE SET ON A LEVEL 6"
10. SLOES THAT PRESENT CHUCK OR EQUAL
11. SLOES THAT PRESENT CHUCK OR EQUAL
12. WATER SURFACE IS UNIFORM
13. PROPERTY INFORMATION SUPPLIED BY THE DESIGNER SHALL BE THE ONLY PLANT FOR CONSTRUCTION INFORMATION

[illegible]

1. PUMPED EXHAUSTS YEAR OR WHEN THE DEPTH OF SLUDGE EXCEEDS 5% OF THE LIQUID LEVEL. TANKS SHALL BE EXCEPTED WHEN PUMPED.

2. ENSURE THAT EXCESSIVE AMOUNTS OF DETERGENTS AND HOUSEHOLD CHEMICALS DO NOT ENTER THE SYSTEM.

3. NEVER FLUSH SWIFTWAY MACHINES, DUMPERS, ETC., INTO THE SYSTEM.

4. NEVER USE ABSORPTION AREAS FOR VEHICLE PUMPING.

5. CHECK ABSORPTION AREAS FOR SLUDGE.

PONDING:

1. USE WATER CONSERVING NEW APPLIANCES (WASHERS AND DISHWASHERS).

2. DOWNGRADING AND SEPTIC SYSTEMS USED FOR WASHING REFRIGERATORS SHOULD HAVE TANKS PUMPED AT LEAST ANNUALLY. CLEAN FILTER.

IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS EXPRESSLY LABELED THE DIRECTION OF THE UNITED STATES, TO ALTER ANY ITEM OR PORTION OF THIS DOCUMENT IN ANY WAY.

IF IN THE COURSE OF THIS PROJECT A CONTRIBUTOR REQUESTS THAT THE PROJECT BE REDESIGNED OR REPRESENTED ON THESE PLANS, THE CONTRIBUTOR MUST STOP WORK AND NOTIFY THE ENGINEER ON ASSIGNED ALL RESPONSIBILITY ARISEING THEREFROM.

IT IS THE RESPONSIBILITY OF THE CONTRIBUTOR TO DESIGN, THEY ALL ASSUME ALL RESPONSIBILITY FOR ANY PROJECT REQUIREMENTS.

NO.	DATE	BY	REVISIONS
2	APR-2-25	RB	APA COMMENTS
1	FEB-1-25	RB	APA COMMENTS

CELESTIAL-MAGNACHARTERNEY
FROM W. BARNES, P.E. P: 518-834-8899
PO BOX 60
POPT KENT NY 12875
NEW RESIDENTIAL ONSITE TREATMENT SYSTEMS
PROJECT: LOT STEPPED ROSS
LOCATION: ESTIMATE WAY, WILMINGTON NY
DATE: APRIL 21, 2024
DNR: NY 1048
SHEET NO. 1