

THIS IS A TWO-SIDED DOCUMENT

 Adirondack Park Agency P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	APA Permit 2025-0066
In the Matter of the Application of MSHM ENTERPRISES, LLC Permittee for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578	Date Issued: July 16, 2025 To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. MSHM Enterprises, LLC

SUMMARY AND AUTHORIZATION

This permit authorizes dredging of sediment material in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Bolton, Warren County.

This authorization shall expire unless recorded in the Warren 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 Warren County Clerk's Office. The Agency will consider the project in existence when the authorized dredging commences.

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 14.65±-acre parcel of land located on NYS Route 9N in the Town of Bolton, Warren 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 156.20, Block 1, Parcel 58, and is described in a deed from Candlelight Cottages LLC to MSHM Enterprises, LLC, dated July 15, 2016, and recorded July 29, 2016 in the Warren County Clerk's Office under Instrument Number 2016-4928.

The project site contains shoreline on Lake George. The project site also contains a deepwater marsh with a value rating of "3". Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site is improved by multiple docks, retaining walls, cabins for rent, a ramp for access to Lake George, a spillway, and a driveway from NYS Route 9N.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the dredging of sediment from the bottom of Lake George around existing docks to allow for continued boat access and docking. Turbidity curtains will be used during dredging for protection of water quality. Approximately 450 square feet of wetlands will be impacted and 260± cubic yards of material will be removed from an area approximately 6,650 square feet in size.

The project is shown on a Site Plan titled "Dredging Dock Area," prepared by Mark A. Hess, and dated February 3, 2025. A reduced-scale copy of the Site Plan for the project 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 excavation 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 Warren 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 dredging continues on the site. Copies of this permit and Site 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 2025-0066, issued July 16, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. A copy of this permit shall be provided to the contractor prior to undertaking the dredging authorized herein.
6. This permit authorizes dredging and removal of 260± cubic yards of sediment from the bottom of Lake George from an area approximately 6,650 square feet in size in the location shown and as depicted on the Site Plan. Any change to the location, dimensions, or other aspect of the dredging activity on the project site shall require prior written Agency authorization.
7. To protect the shoreline from destabilization, the proposed dredging shall not result in vertical slopes greater than 1:3 along the shoreline and a no-dredge buffer at least 5 feet wide shall be established between the shoreline and the beginning of the area to be dredged.
8. The maximum excavation depth of the dredge shall not exceed five feet.
9. A double turbidity curtain system shall be used at all times and shall be installed as shown on the Site Plan. Turbidity curtains shall be installed in accordance with manufacturer's specifications prior to the commencement of any in-water work and shall remain in place until the dredging has been completed, all sediment has been removed from the site, and the water clarity within the dredge area is the same as the surrounding water. The turbidity curtains shall not be removed when significant wave action (6+inches) is present on Lake George.
10. Turbidity curtains shall be anchored at a maximum of 100-foot spacing.
11. The turbidity curtains shall be inspected before, during, and after dredging for any signs of failure.
12. Any damage or displaced turbidity curtain sections or anchorage devices shall be promptly repaired or replaced.
13. No work shall occur during periods of heavy rainfall. Heavy rainfall, for the purpose of this permit, shall be defined as any storm event of 0.5 inches or greater of total rainfall.
14. No excavation equipment shall enter the waters of Lake George.

15. Silt fencing shall be installed downslope of any dewatering of spoils and shall remain in place until all dewatering operations have been completed and all spoils have been removed from the site.
16. Any water from the dewatering activities shall be routed to discharge into the lake within the turbidity curtains.
17. All dredged material shall remain onsite until sufficiently dried for trucking offsite.
18. Any on site fueling of equipment shall occur at a minimum of 25 feet from the mean high water mark of Lake George and emergency spill response resources shall be available on site for the duration of the project.
19. 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.

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 project 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 result in the minimum possible degradation or destruction of any part of the wetland or its associated values, is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this 16th day
of July, 2025.

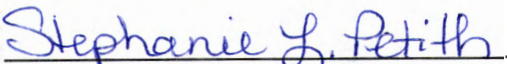
ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Deputy Director, Regulatory Programs

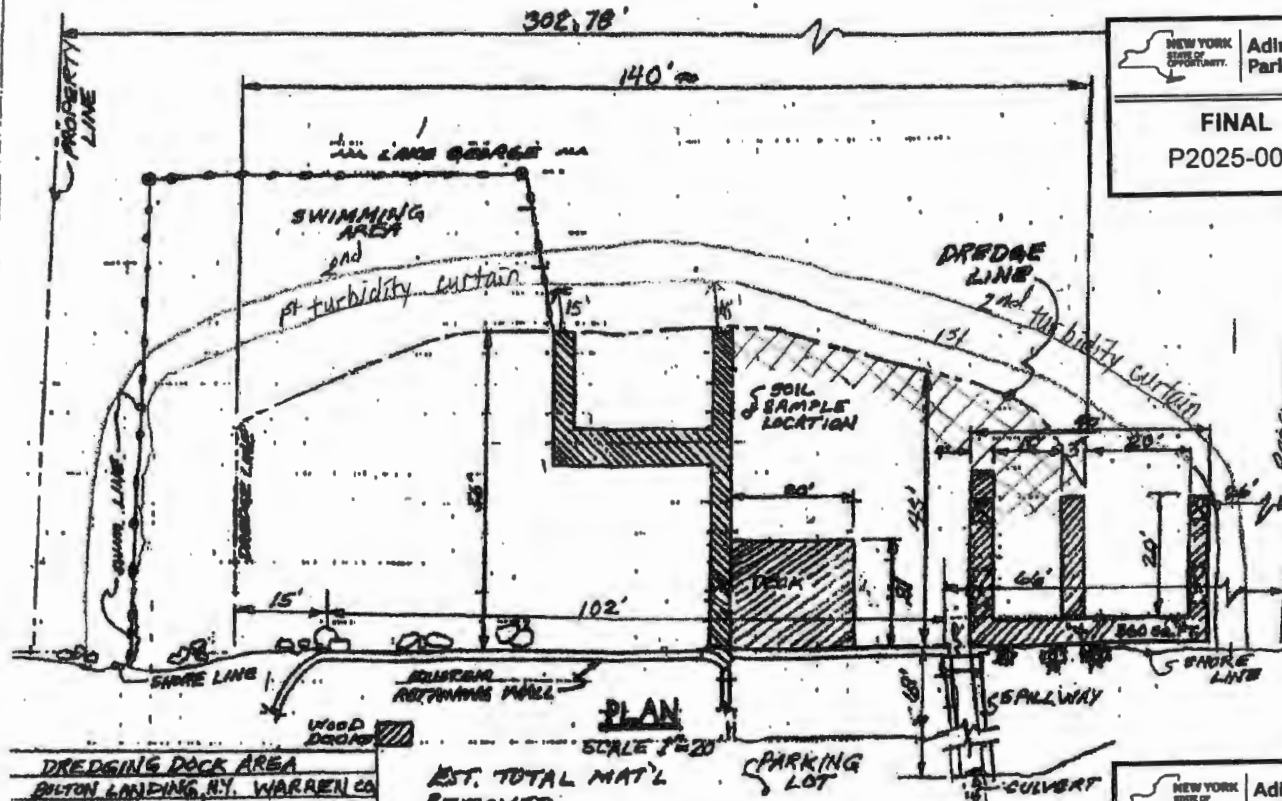
STATE OF NEW YORK
COUNTY OF ESSEX

On the 16th day of July 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

2-3-25 REV 1. NEW DREDGE LINE



NEW YORK
STATE OF
OPPORTUNITY.

Adirondack
Park Agency

FINAL
P2025-0066

DREDGING DOCK AREA
BILTON LANDING, N.Y. WARREN CO.
CANDLELIGHT COTTAGES LLC.
MARKA. HESS DATE:
5/25/25 LAKE ERIE DRIVE
PG 3 OF 4

NEW YORK
STATE OF
OPPORTUNITY.

Adirondack
Park Agency

RECEIVED
Date: April 17, 2025

approximate wetlands ~ 450 sq. ft.