

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8

6274 East Avon-Lima Road, Avon, NY 14414-9516

P: (585) 226-5400 | F: (585) 226-2830

www.dec.ny.gov

IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. **Please read it carefully and note the conditions that are included in it.** The permit is valid for only those activities expressly authorized therein. Work beyond the scope of the permit and the approved project plans may be considered a violation of the law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent, or approval from any other Federal, State or local government which may be required.

For many projects involving work in and around streams, lakes and wetlands the US Army Corps of Engineers (ACOE) may have regulatory authority in addition to this Department. If you have not already done so, you should contact their Buffalo District Regulatory Branch office at 716-879-4330 to obtain any required federal authorizations prior to commencing work.

Please note the expiration date of the permit. If you need additional time to complete your project, you must submit your request for permit renewal, in writing, prior to expiration of the permit (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. Provide an explanation of why additional time is needed and how much additional time you are requesting. Please refer to the general conditions listed in the permit for specific instructions. The DEC permit number & Program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

You must post the included Permit Notice Sign at the work site with appropriate weather protection and maintain a copy of this permit at project site or facility. Per Condition #2, you must also submit a Notice of Intent to Commence Work (attached) prior to starting work and similar notification must also be made upon completion of project as noted in the permit conditions.

If you have any questions on the extent of the work authorized or your obligations under the permit, please feel free to contact me at 585-226-5396 or robert.call@dec.ny.gov.

Sincerely,

Robert B. Call
Deputy Regional Permit Administrator



Department of
Environmental
Conservation



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

HONEOYE LAKE PARK ASSOCIATION INC
PO BOX 438
HONEOYE, NY 14471-0438

Facility:

HONEOYE LAKE PARK
ROCHESTER ST - LAKEWARD
RICHMOND, NY

Facility Location: in RICHMOND in ONTARIO COUNTY

Facility Principal Reference Point: NYTM-E: 295.39 NYTM-N: 4739.182
Latitude: 42°46'40.3" Longitude: 77°30'04.5"

Authorized Activity: Permit for incidental disturbances related to the placement rock upon an existing rock revetment (above the Mean High Waterline) along approximately 499 feet of Honeoye Lake. A silt curtain is to be placed as a precautionary measure to prevent water quality impacts. Work is to be done as per the plans indicated in Condition 1.

Permit Authorizations

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 8-3242-00222/00002

New Permit

Effective Date: 3/17/2024

Expiration Date: 12/31/2026

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: ROBERT B CALL, Deputy Regional Permit Administrator

Address: NYSDEC Region 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY 14414

Authorized Signature: _____

Date 3/17/2024

Distribution List

Habitat

Town of Richmond

US ARMY CORPS OF ENGINEERS - BUFFALO DISTRICT

John Gerstner



Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Site Plan
Notice of Intent to Commence Work
Permit Sign

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: EXCAVATION & FILL IN NAVIGABLE WATERS

- 1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by John Gerstner and provided to the Department on November 11, 2023 and February 27, 2024 (Attachment A).
- 2. Notice of Intent to Commence Work** The permittee shall submit a Notice of Intent to Commence Work to Bureau of Ecosystem Health at least 48 hours in advance of the time of commencement and shall also notify them promptly in writing of the completion of work.
- 3. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
- 4. Prior Approval of Changes** If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.
- 5. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
- 6. No Work below the Mean High Waterlevel** No direct or indirect fill or excavation below the mean high water level (804.5' above sea level).



- 7. Work During Low Water Conditions** Work must occur during low water to avoid erosion and sedimentation into the lake. All efforts should be maintained to maintain the water quality of the lake.
- 8. No Equipment in the Water** Heavy equipment operation in the water is prohibited. With backhoes and similar heavy equipment, the bucket may enter the water.
- 9. No Rock From Stream/Lake** No rock for use in construction is to come from the lake bed.
- 10. Clean Fill Only** All fill material utilized for this project shall consist of uncontaminated earthen materials only. Acceptable fill materials include gravel, rock, overburden, topsoil and similar natural mineral resources.
- 11. Consolidation of Armor Stone Prohibited** Armor stone may not be consolidated with concrete or by any other means.
- 12. No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.
- 13. Maintain Benchmarks for 1 Year after Expiration** Benchmarks, which are objects or structures used to define the location or limits of the activity subject to the permit, are designated on the attached sketch. All objects or structures so designated shall be left in place for a period of at least one year following the expiration date of this permit.
- 14. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
- 15. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
- 16. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.



GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY14414

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;



- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

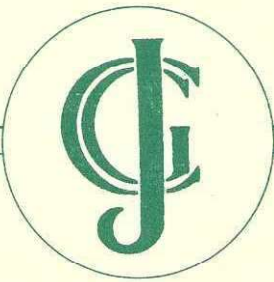
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



J.C. Gerstner Construction Co. Inc.

(585) 394-3830

Cell (585) 213-0003

E-mail: johngerstner@yahoo.com

SEAWALLS

Cross Section View

02-27-2024

ROBERT B. CALL

NY-DEC

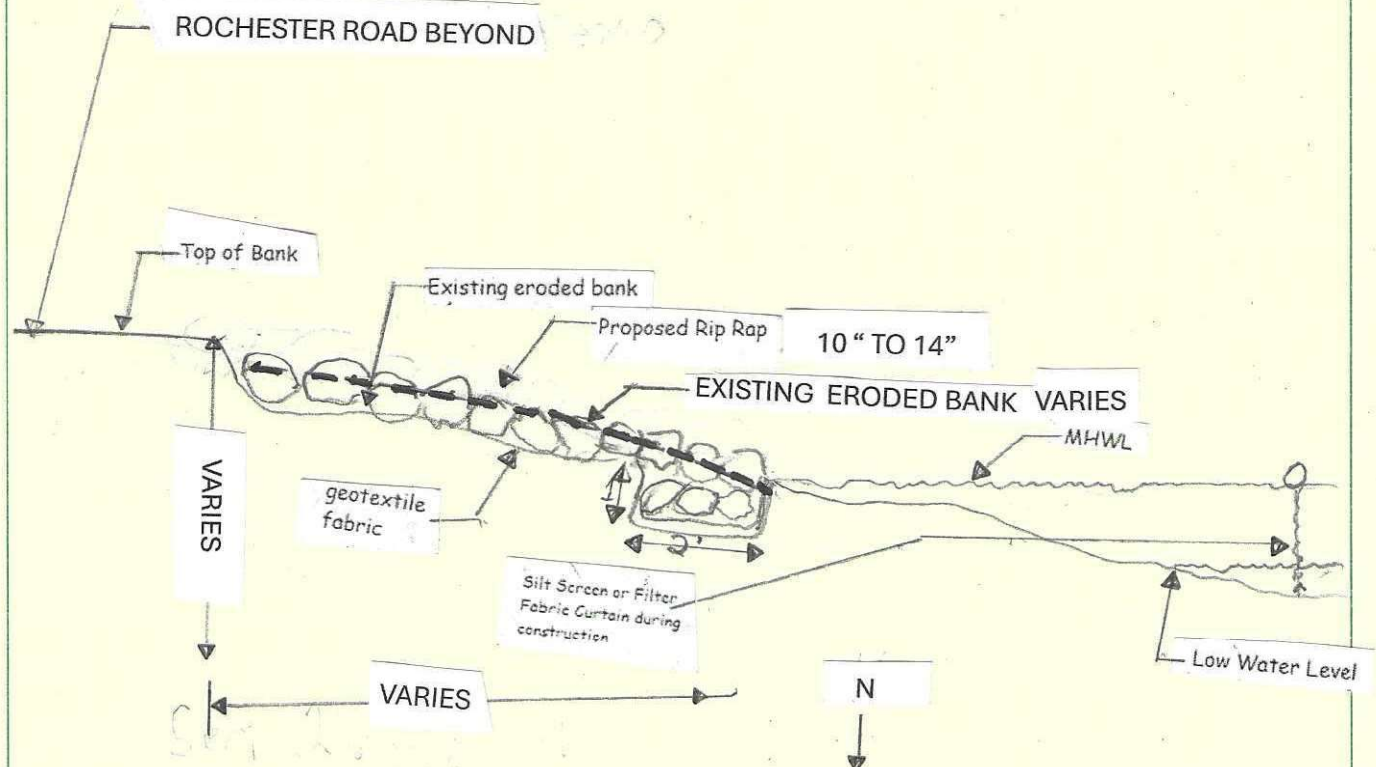
6274 E. AVONN-LIMA RD

AVON, NY 14414

Subject: HONEOYE LAKE PARK ASSOCIATION

499 FT. OF SHORE LINE

SLOPE VARIES IN 499 FT.





NO WORK LAKEWARD OF MEAN HIGH WATER 804.50

J.C. Gerstner Construction Co. Inc.

(585) 394-3830
Cell (585) 213-0003
E-mail: johngerstner@yahoo.com

PLAN VIEW HONEOYE LAKE PARK ASSOCIATION FIRST 100 FT. SOUTH END # 1

SEAWALLS

1

TYPICAL ROCK REVETMENT (rock rip rap)

PICTURE 1



NORTH

ROCHESTER ROAD

EXISTING ROCK REVETMENT

802.785 WATER LEVEL 19 OCT. 23

AREA OF EROSION DAMAGE

PROPOSED ROCK REVETMENT

8481 ROCHESTER RD. BENCHMARK

HOUSE

100 ft.

9'

22'

31'

6'

DISTANCE FROM TOP OF RIP RAP TO

MEAN HIGH WATER 804.50

DARTMOUTH ST.

HONEOYE LAKE

PICTURE 2

N.Y.S. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NYSDEC Region 8 Headquarters

DEC Contact: ROBERT B CALL

Batch Id: 745801

Application Id: 8-3242-00222/00002

Owner Id: 1640748

Date Received: 03/28/2022

Date Incomplete: 03/10/2023

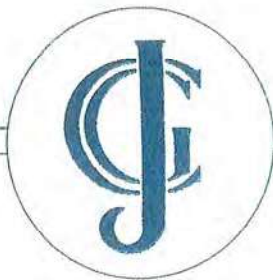
Application Type: NEW

Applicant Name: HONEOYE LAKE PARK ASSOCIATION INC

Facility name: HONEOYE LAKE PARK

NOT TO SCALE

NY 14424



PLAN VIEW HONEOYE LAKE PARK ASSOCIATION
J.C. Gerstner Construction Co. Inc.

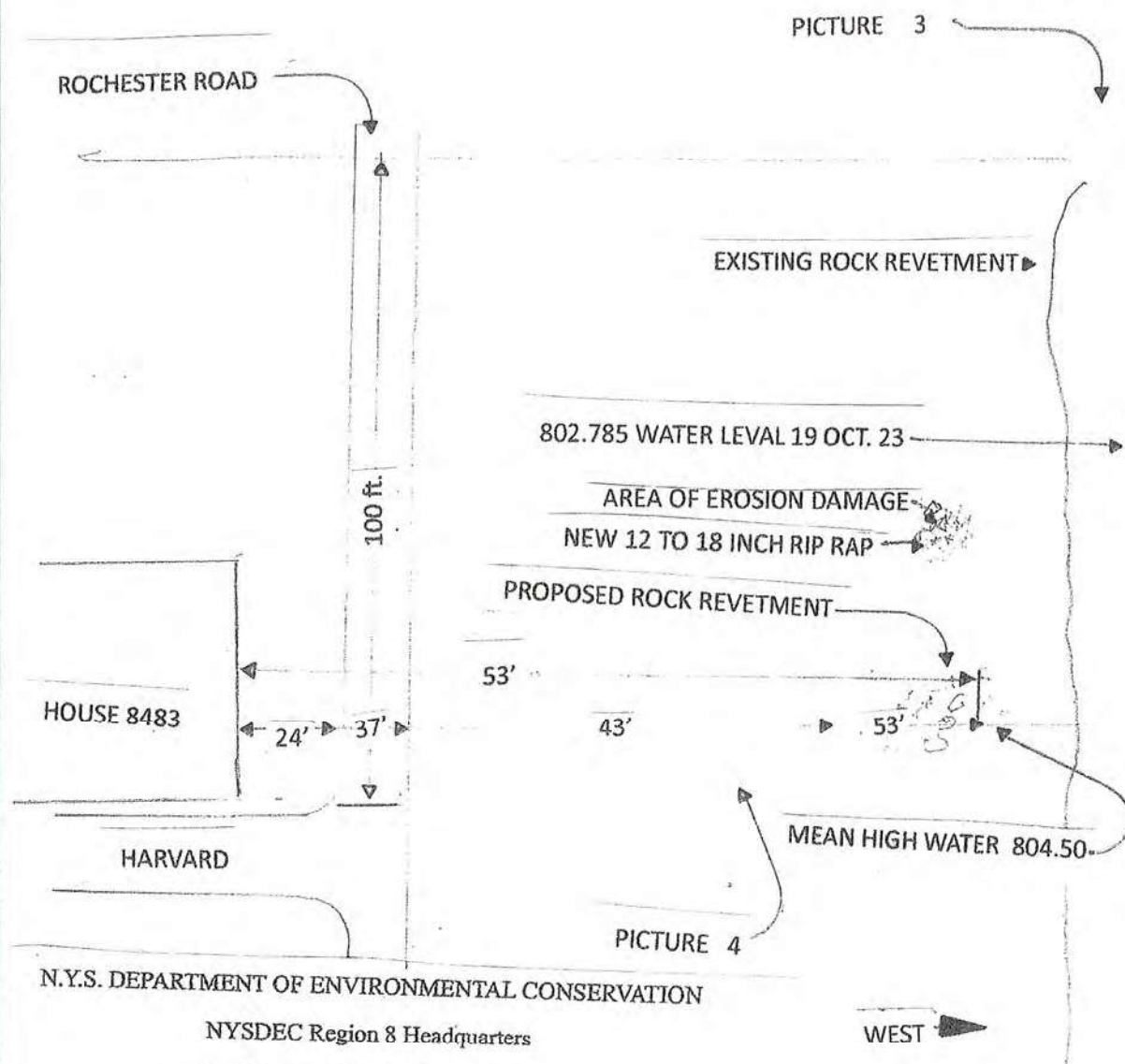
(585) 394-3830

Cell (585) 213-0003

E-mail: johngerstner@yahoo.com

SEAWALLS

2



N.Y.S. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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DEC Contact: ROBERT B CALL

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Facility name: HONEOYE LAKE PARK

J.C. Gerstner Construction Co. Inc.



CROSS SECTION DIAGRAM

SEAWALLS

NO WORK LAKEWARD OF MEAN HIGH WATER 804.50

PICTURE 5

3

802.785 WATER LEVEL 19 OCT. 23

ROCHESTER ROAD

HONEOYE LAKE

NEW 12 TO 18 INCH RIP RAP

33'

MEAN HIGH WATER 804.50

PROPOSED ROCK REVETMENT

EXISTING ROCK REVETMENT

PROPOSED ROCK REVETMENT

CURNELL ST.

PICTURE 6

NORTH

N.Y.S. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NYSDEC Region 8 Headquarters

DEC Contact: ROBERT B CALL

Batch Id: 745801

Application Id: 8-3242-00222/00002

Owner Id: 1640748

Date Received: 03/28/2022

Date Incomplete: 03/10/2023

Application Type: NEW

Applicant Name: HONEOYE LAKE PARK ASSOCIATION INC

Facility name: HONEOYE LAKE PARK

NOT TO SCALE

P.O. Box 108

Canandaigua, NY 14424

8-3242-00222/00002

Attachment A-5

(585) 394-3830

Cell (585) 213-0003

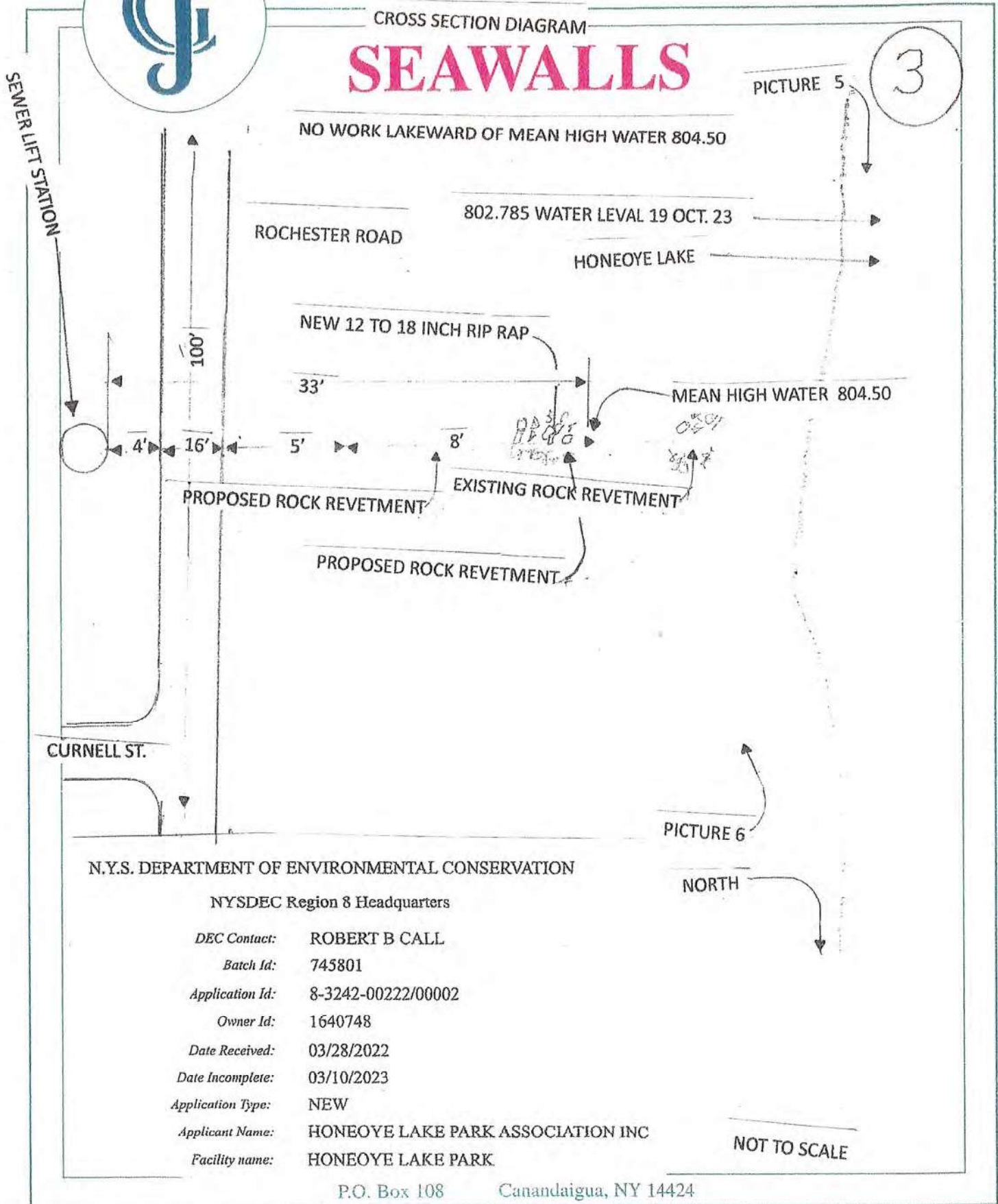
E-mail: johngerstner@yahoo.com



J.C. Gerstner Construction Co. Inc.

CROSS SECTION DIAGRAM

SEAWALLS



N.Y.S. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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Applicant Name: HONEOYE LAKE PARK ASSOCIATION INC

Facility name: HONEOYE LAKE PARK

P.O. Box 108

Canandaigua, NY 14424



PLAN VIEW HONEOYE LAKE PARK ASSOCIATION

J.C. Gerstner Construction Co. Inc.

(585) 394-3830

Cell (585) 213-0003

E-mail: johngerstner@yahoo.com

SEAWALLS

4

NO WORK LAKEWARD OF MEAN HIGH WATER 804.50

PICTURE # 7

802.785 WATER LEVEL 19 OCT. 23

ROCHESTER ROAD

HONEOYE LAKE

100 ft.

HOUSE

8483

26'

12'

10'

PROPOSED ROCK REVETMENT

ROCK REVETMENT

MEAN HIGH WATER 804.50

NEW 12 TO 18 INCH RIP RAP

PICTURE # 8

N.Y.S. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NORTH

NYSDEC Region 8 Headquarters

DEC Contact: ROBERT B CALL

Batch Id: 745801

Application Id: 8-3242-00222/00002

Owner Id: 1640748

Date Received: 03/28/2022

Date Incomplete: 03/10/2023

Application Type: NEW

Applicant Name: HONEOYE LAKE PARK ASSOCIATION INC

Facility name: HONEOYE LAKE PARK

Project Desc: Stabilize shoreline - erosion is close to the existing rdway

P.O. Box 108

Canandaigua, NY 14424

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8

6274 East Avon-Lima Road, Avon, NY 14414-9516

P: (585) 226-5400 | F: (585) 226-2830

www.dec.ny.gov

NOTICE OF INTENT TO COMMENCE WORK

Date: _____

NYS Department of Environmental Conservation
Bureau of Ecosystem Health
6274 East Avon-Lima Road
Avon, NY 14414

Re: DEC Permit No. **8-3242-00222/00002**

In accordance with Condition # 2 of the referenced permit, I hereby serve notice to commence work on or about _____, 20____. Notice of project completion will be submitted within one week after termination of all work.

This is also to certify that, having read in entirety the permit, I am fully aware of and understand the general, supplemental and special conditions, and agree to comply in all respects to those requirements. I further understand that prior to undertaking any modification to the authorized project, I must seek and receive the written approval of the Regional Permit Administrator.

WARNING

The Permittee and the contractor (if any) are required to follow all permit conditions. Violation of permit conditions may lead to legal action, including the imposition of substantial monetary fines and corrective work.

Signature of Permittee

Signature of Contractor (if any)

Contractor's Address

Contractor's Telephone Number

Signature of Landowner(s)

Attention Permittee and/or Contractor: Please fold as noted on the back and return.



Department of
Environmental
Conservation

(Fold # 2)

Place
Stamp
Here

NYS Department of Environmental
Conservation Attn: Bureau of Ecosystem Health
6274 E Avon-Lima Rd
Avon, NY 14414

(Fold # 1 – Tape Here)

New York State
Department of Environmental Conservation

 **NOTICE** 

The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Regional Permit Administrator

Permit Number _____

Expiration Date _____

Phone 585-226-5396

NOTE: This notice is **NOT** a permit