

 <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050</p>	<p>APA Project Permit 2005-100 Small Western Great Camp Lots</p>
<p>In the Matter of the Application of PRESERVE ASSOCIATES, LLC</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act and 9 NYCRR Parts 577 and 578</p>	<p>Date Issued: DATE</p> <p>To the County Clerk: This permit must be recorded on or before DATE. Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Preserve Associates, LLC2. Big Tupper, LLC3. Tupper Lake Marina, LLC4. Oval Wood Dish Liquidating Trust

SUMMARY AND AUTHORIZATION

Pursuant to Adirondack Park Agency Findings and Order 2005-100 ("Agency Order 2005-100"), Preserve Associates, LLC (the "Project Sponsor") is granted a Permit, on conditions, authorizing the subdivision and development of fifteen Western Great Camp lots as described and conditioned herein and in Agency Order 2005-100.

This project may not be undertaken until this Permit and its attachments are recorded in the Franklin County Clerk's Office. This Permit shall expire unless so recorded on or before DATE in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.

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This project may not be undertaken or continued unless the project authorized herein is in existence within 10 years from the date of issuance of Agency Order 2005-100. The Agency will consider this project in existence when the first lot authorized herein has been conveyed.

Nothing contained in this permit 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.

AGENCY JURISDICTION

The Adirondack Club and Resort project is a Class A regional project requiring an Adirondack Park Agency permit pursuant to § 810(1)(b)(1)(b), (3), (5), (7), (14), & (15) of the Adirondack Park Agency Act because it involves wetlands, subdivisions creating more than 75 lots and sites, commercial uses, tourist accommodations, major public utility uses, structures over 40 feet in height, and construction of a ski center in Moderate Intensity Use. The project is a Class A regional project requiring an Agency permit pursuant to § 810(1)(e)(1)(a), (b) and (c), (3), (6), and (16) of the Adirondack Park Agency Act because it involves wetlands, subdivisions, major public utility uses, land use and development above 2,500 feet, and a ski center in Resource Management. The project is a regulated activity requiring a wetlands permit pursuant to 9 NYCRR §§ 578.2 and 578.3(n)(1)(i) and (2)(i) and (ii) because of proposed activities within and impacting wetlands. The project is a rivers project requiring an Agency permit pursuant to 9 NYCRR § 577.4(a) and § 577.5(c)(1) because a portion of the property is located in the designated Raquette River Recreational River area within the New York State Wild, Scenic and Recreational River System.

PROJECT SITE

1. The project site for this Permit ??? is a portion of the Adirondack Club and Resort project site described in Agency Order 2005-100. The Project site is comprised of Great Camp Lots 1-15, as described in Adirondack Park Agency Findings and Order 2005-100. The project site is located on lands classified Moderate Intensity Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. As described in Agency Order 2005-100, the

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Project Sponsor proposes to develop the project site as part of Phases 2 and 3 within the overall Adirondack Club and Resort Development.

PROJECT DESCRIPTION AS PROPOSED

2. The complete Adirondack Club and Resort project description is provided in Agency Order 2005-100. The complete project is shown on the latest revised Master Plan, a copy of which is attached to this permit as Attachment A. The charts of maps, plans, and reports attached to this permit as Attachment B comprise the official plans for the project site.

CONDITIONS

1. The project shall be undertaken as conditioned herein and as described in the latest authorized maps attached hereto as Attachment A and the maps, plans, and reports referenced in the chart attached hereto as Attachment B. Failure to comply with this permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.

6. Prior to the construction of any structure or infrastructure on the project site, the Project Sponsor shall provide to all persons undertaking all or a portion of the Project copies of Agency Order 2005-100 and this permit and its attachments, and copies of each and all of the latest approved maps and plans that contain on them the lot or structure being built. Prior to sale or lease of any lot or structure on the project site, the Project Sponsor shall provide to the prospective future owners or lessees of any portion of the Project site copies of Agency Order 2005-100 and this permit and its attachments, and copies of each and all of the latest approved maps and plans that contain on them the lot or structure being conveyed or leased. Where a lot has been conveyed by the Project Sponsor to another entity who will be responsible for construction of a structure thereon, the successor shall be responsible for provision of Agency Order 2005-100 and this permit and its attachments, and the applicable maps and plans as described above to the contractor.

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7. All deeds conveying all or a portion of the lands subject to this Permit shall contain the following language: "The lands conveyed are subject to Adirondack Park Agency Findings and Order 2005-100, issued _____, and Adirondack Park Agency Permit _____, issued _____, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
8. The Agency will conduct such on-site investigations, examinations, tests and evaluations on the Project site as it deems necessary during the undertaking of the project to ensure compliance with the terms and conditions herein. Such activities shall take place at reasonable times and upon advance notice where possible.
10. The Project shall be undertaken in compliance with all other applicable federal, state, county, and local requirements, permits and approvals.

Legal Interests of Others

16. This permit does not convey any rights to trespass upon the lands or interfere with the riparian rights of other persons in order to undertake any land use or development permitted as a result of the project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property held or vested in any person.

Structure Footprints and Heights

5. This permit authorizes the construction of single family dwellings and accessory structures in the locations shown on the approved plans referenced in this Permit and Agency Order 2005-100. No other structures shall be constructed on the project site, except that two woodsheds and one lean-to, each less than 100 square feet in size, may be constructed within or outside of the building envelope on each Great Camp lot.

All structures on the Great Camp lots shall comply with the limits cited in the chart below. The measurement of the footprint of any structure shall include all covered and uncovered attached porches, decks, exterior stairs and

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attached accessory components (such as an attached garage or shed). Height shall be measured from the highest point of the structure, not including the chimney, to the lowest point of existing grade or finished grade, whichever is lower.

Type of Structure	Structure Footprint	Structure Height
Single Family Dwellings	4200 square feet	40 feet
Guest Cottage	1500 square feet	35 feet
Main Garage	1500 square feet	35 feet
Cottage Garage	650 square feet	25 feet
Woodshed	250 square feet	15 feet

Building Color

11. All exterior building materials, such as roof, siding, and trim, of any structure authorized herein, including accessory structures, shall be maintained in an earth tone color.

Outdoor Lighting

80. All building and street lighting on the project site shall comply with the latest approved lighting plan referenced in Attachment B. All free-standing and 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 any road or neighboring lot. No outdoor light shall be located more than 20 feet above finished grade.

Energy Use and Conservation

109. All residential buildings on the project site shall be designed and constructed to be ENERGY STAR Labeled Homes that meet or exceed guidelines for energy efficiency set by the US Environmental Protection Agency.

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110. All residential structures on the project site shall also be designed and constructed to exceed by at least 20% the minimum standards of the Energy Conservation Construction Code of New York State in effect at the start of construction.
111. All residential construction shall be inspected and tested by Independent Home Energy Raters.
112. Heating, ventilating, air conditioning, lighting, and domestic hot water systems for all residential structures shall be designed, constructed, and operated to minimize energy consumption when they are not occupied.
113. All employment opportunities related to the construction, maintenance, and operation of the project shall be listed on the New York State Job Bank. Employment opportunities must be listed concurrently with the Project Sponsor's use of any other recruitment source or effort.

Limits of Vegetative Clearing

22. Vegetative clearing for driveways, parking areas and wastewater treatment systems, shall comply with the limits shown on the latest approved plans referenced in this Permit and Agency Order 2005-100.
24. Except to allow for the construction of two woodsheds and one lean-to as authorized herein, no construction of structures shall occur outside the limits of clearing as shown on the latest approved plans referenced in this Permit and Agency Order 2005-100.
27. Outside of the limits of clearing shown on the latest approved maps and plans included as Attachments A and B to this permit, clearing of trees and other vegetation to allow for "filtered views" from single family dwellings may occur on the project site upon prior written approval by the Agency. Outside of the limits of clearing, there shall be no clearing of trees or other vegetation to allow for views from structures other than single family dwellings.

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Grading

- xxx. No construction or grading shall occur outside the limits of clearing shown on the latest approved plans.

Wetlands

13. Beyond that authorized herein, there shall be no cutting of vegetation in wetlands. Further, no "regulated activity", as defined in the Agency's Freshwater Wetland Regulations (9 NYCRR Part 578), shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development in, subdivision of, or dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, that pollutes it or substantially impairs its functions, benefits or values.

Protection of Amphibians

89. The Project Sponsor shall conduct a quantitative biological survey for amphibians on all Resource Management portions of the Adirondack Club and Resort lands located within the project site for this permit and within the West Face Expansion neighborhood and a portion of the Small Eastern Great Camp Lots project sites. The survey shall be consistent with Agency "Guidelines for Biological Surveys" and limited to those areas within 800 feet of existing delineated wetlands as shown on Drawings W-1, and any upland vernal pools identified in the survey. Prior to undertaking the survey the Project Sponsor shall submit a plan providing details concerning what areas will be surveyed and what techniques will be used for review and approval. If approvable, the plan will be authorized by a letter of permit compliance.
- XXX. Based on the results of the biological survey, the project sponsor shall provide the Agency a detailed plan for an amphibian impact analysis. The plan shall include all the Biological Survey data collected and an analysis of the proposed development and an assessment of impacts. Prior to the undertaking of the Impact Analysis, the project sponsor shall submit a plan providing details to the Agency for review and approval. If approvable, the plan shall be authorized in writing by the Agency.

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- XXX. Based on the biological survey and impact analysis, the Project Sponsor shall propose best management practices prior to construction to further protect amphibian habitat or to provide design features to facilitate amphibian movements. If approvable, those changes will be authorized by a letter of permit compliance.
90. The amphibian biological survey shall occur not later than 2013 and shall include surveys in late April to early May.
91. All project site roads and parking lots on the project site shall be constructed without curbing to the maximum extent practicable. Where curbing is necessary, it shall be constructed with a non-vertical face to facilitate amphibian movement.
92. In identified areas of amphibian migration on the project site, all culverts located under roadways separating delineated wetlands and adjacent upland habitat areas shall be oversized arch or box culverts used with low walls, logs, or drift fencing to direct amphibians toward the culverts to facilitate amphibian movements beneath the roadway. Culverts shall be located at about 20 foot intervals in high migration crossing locations.
93. Hydrodynamic stormwater separators shall not be used on the project site.
95. During the amphibian early spring breeding and late summer dispersal periods, silt fence barriers shall be installed around active construction areas in high migration areas on the project site to keep amphibians away from construction equipment, excavation and stockpiling. Ruts created by construction equipment and activities should be refilled and graded smooth to remove barriers to amphibian movements.

Invasive Species Control/Sanitizing Equipment

96. Except for paving equipment and dump trucks used to transport hot asphalt, all equipment used for earth moving, grading or excavating on the project site shall be washed off-site with high pressure hoses and hot water, in order to ensure that all equipment is clean and free of soil,

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mud, and other material that may contain invasive plants, seeds, or other propagules. All contractors shall make every effort to prevent invasive plant species from being introduced to the construction sites.

Shoreline

117. No docks or boathouses shall be constructed along any shoreline of the project site without a new or amended Agency permit or letter of permit compliance. No structure shall be constructed or other new land use or development undertaken within 100 feet of any shoreline without a new or amended permit, or letter of permit compliance.

Town and Village Joint Planning Board Subdivision Plats

51. If approval of a subdivision plat is required by the Town and Village Joint Planning Board for creation of the lots authorized herein, prior to construction on or conveyance of any lot within the Phase 2 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency a preliminary subdivision plat for the Phase 2 portion of the site. Upon receipt of written approval from the Agency that this preliminary plat complies with the Master Plan attached hereto as Attachment A, and prior to construction on or conveyance of any lot depicted on the plat, the Project Sponsor or its successor shall record in the Office of the Franklin County Clerk a fully stamped final subdivision plat that matches the Master Plan shown as Attachment A. Within 30 days of recording this final plat, the Project Sponsor or its successor shall submit a copy of the final plat to the Agency.
51. If approval of a subdivision plat is required by the Town and Village Joint Planning Board for creation of the lots authorized herein, prior to construction on or conveyance of any lot within the Phase 3 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency a preliminary subdivision plat for the Phase 3 portion of the site. Upon receipt of written approval from the Agency that this preliminary plat complies with the Master Plan attached hereto as Attachment

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A, and prior to construction on or conveyance of any lot depicted on the plat, the Project Sponsor or its successor shall record in the Office of the Franklin County Clerk a fully stamped final subdivision plat that matches the Master Plan shown as Attachment A. Within 30 days of recording this final plat, the Project Sponsor or its successor shall submit a copy of the final plat to the Agency.

15. All plats for the project site shall note that the lands are subject to the terms and conditions of this permit and Adirondack Park Agency Findings and Order 2005-100, and shall depict any wetlands and waterbodies on the project site as shown on the latest approved plans referenced in Attachment B hereto. At the request of the Agency, other relevant conditions from this Permit and its approved plans shall also be noted on the final plat.

Water Supply

62. Wells on the project site shall be constructed in compliance with the latest approved maps and plans referenced herein.

Wastewater Treatment

70. Prior to construction on or conveyance of any lot within the Phase 2 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency conceptual plans depicting the type, location, and method of wastewater treatment for all structures to be constructed on the Phase 2 portion of the site. Upon receipt of written approval from the Agency that these conceptual plans comply with the maps and plans referenced herein, and prior to construction of any structure or conveyance of any lot on the project site, the Project Sponsor or its successor shall obtain approval from the DEC, DOH, and Town and Village of Tupper Lake for these wastewater treatment plans.
70. Prior to construction on or conveyance of any lot within the Phase 3 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency

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conceptual plans depicting the type, location, and method of wastewater treatment for all structures to be constructed on the Phase 3 portion of the site. Upon receipt of written approval from the Agency that these conceptual plans comply with the maps and plans referenced herein, and prior to construction of any structure or conveyance of any lot on the project site, the Project Sponsor or its successor shall obtain approval from the DEC, DOH, and Town and Village of Tupper Lake for these wastewater treatment plans.

Infrastructure

52. Prior to the conveyance of any lot within the Phase 2 portion of the project site, the Project Sponsor or its successor shall submit to the Agency for review and written approval documentation from the Independent Environmental Monitor who oversaw installation that all wastewater, road, and electric utility infrastructure for the project site have been completed according to the approved plans. Alternatively, a performance guarantee in the amount of the total estimated cost of completion of any unfinished infrastructure, plus a 20 percent contingency, may be authorized by permit amendment or letter of permit compliance. Any authorized performance guarantee must specify the Town of Tupper Lake as primary beneficiary or obligee.
52. Prior to the conveyance of any lot within the Phase 3 portion of the project site, the Project Sponsor or its successor shall submit to the Agency for review and written approval documentation from the Independent Environmental Monitor who oversaw installation that all wastewater, road, and electric utility infrastructure for the project site have been completed according to the approved plans.
54. No structure shall have wastewater treatment or water supply infrastructure except as authorized by this Permit.

Deed Restrictions

30. Prior to any undertaking on the project site, the Project Sponsor shall provide proof to the Agency that deed restrictions have been filed in the Franklin County Clerk's Office that i) permanently prohibit any new land use or

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development on all of the Resource Management lands depicted on the map entitled ??? and referenced in Attachment B hereto as Type 2 Open Space, except for the approximately 34-acre area depicted on the map entitled ??? and referenced in Attachment B hereto; and ii) permanently prohibit any subdivision of the Resource Management lands depicted on the map entitled ??? and referenced in Attachment B hereto as Type 2 Open Space, except for the approximately 34-acre area depicted on the map entitled ??? and referenced in Attachment B hereto, and except to allow for an Adirondack Park Agency-approved subdivision for the sole purpose of reconfiguring parcel boundaries. The deed restrictions shall specifically state that the covenants shall "run with, touch and concern the land and may only be enforced by the Adirondack Park Agency in its sole discretion or, upon the request of the owner of such lands, may be amended as prescribed by the Agency."

29. Prior to any undertaking on the project site, the Project Sponsor shall provide proof to the Agency the deed restrictions have been filed in the Franklin County Clerk's Office that i) permanently prohibit any new land use or development on all of the Resource Management lands depicted on the map entitled ??? and referenced in Attachment B hereto as Type 3 Open Space, except for the approximately 34-acre area depicted on the map entitled ??? and referenced in Attachment B hereto; and ii) permanently prohibit any subdivision of the Resource Management lands depicted on the map entitled ??? and referenced in Attachment B hereto as Type 3 Open Space, except for the approximately 34-acre area depicted on the map entitled ??? and referenced in Attachment B hereto, and except to allow for an Adirondack Park Agency-approved subdivision for the sole purpose of reconfiguring parcel boundaries. The deed restrictions shall specifically state that the covenants shall "run with, touch and concern the land and may only be enforced by the Adirondack Park Agency in its sole discretion or, upon the request of the owner of such lands, may be amended as prescribed by the Agency."
40. All transfer deeds for the Great Camp lots located within Resource Management areas on the project site shall include the following language:

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"Development on this parcel shall be restricted to one principal building as defined by Executive Law § 802(50). No further subdivision of this property, either by fee, gift, or lease, shall occur, except for an Adirondack Park Agency-approved subdivision involving this parcel and an adjoining parcel for the sole purpose of reconfiguring parcel boundaries."

Any such deed of conveyance shall also specifically state that the above covenants shall "run with, touch and concern the land and may only be enforced by the Adirondack Park Agency and the Town of Tupper Lake in their sole discretion."

Agency Review of Future Subdivision and Development

126. Beyond the development authorized by the permit, no further new land use and development or subdivision shall be undertaken on the project site without a new or amended permit, or letter of permit compliance.

Other Approvals

44. All required Federal, State and local approvals shall be obtained.

FINDINGS OF FACT

The complete project description, findings of fact, and impact findings for this project are located in Agency Findings and Order 2005-100.

CONCLUSIONS OF LAW

This permit is issued pursuant to the terms of Agency Order 2005-100.

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Attachment A

Latest Master Plan
latest project site plan

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Attachment B

The following maps and plans are the official plans for the project site.

Maps and Plans

Map No.	Map Title	Prepared By	Last Revision Date

The following are the official reports for the project site.

Reports

Report Title	Prepared By	Date of Report